consultation. I wish here and now to extend an invitation to you to make use of the committee's facilities any time you feel they may be helpful.

In closing let me say that I am well aware small businessmen must become expert in many highly specialized phases of business management. This brings to mind what have been called the necessary qualifications the owner and manager of a small concern should possess. These are: The education of a college professor; the executive ability of a financier; the humility of a deacon; the adaptation of a chameleon; the hope of an optimist; the courage of a hero; the wisdom of Solomon; the gentleness of a dove; the patience of a Job; the grace of God.

Thank you.

SENATE

TUESDAY, MAY 15, 1962

(Legislative day of Monday, May 14, 1962)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by Senator MAURINE B. NEUBERGER, of Oregon.

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

Our Father, God, amid the shifting shadows of the temporal, give us, we pray Thee, clear and clean eyes to discern the shining glory of the eternal. Forgive us that in the heat of partisanship so often we have forgotten that above our personal ambitions and our exaltation of self lie unchangeable verities, like granite peaks which pierce the sky.

Facing today and the days ahead problems which tax all the resources of Thy public servants in this historic Chamber, give them, we beseech Thee, the untroubled calm and confidence which illumines faith in the final triumph of every true idea let loose in the world. And in the broad battlefield where truth and falsehood are locked in mortal combat, bar our own hearts to all cynicism and hatred; and as we fight the good fight, may our strength be as the strength of 10 because our hearts are pure.

We ask it in the ever-blessed name of the Holy One who has declared, "Blessed are the pure in heart, for they shall see God." Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 15, 1962.

To the Senate:

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

CARL HAYDEN,
President pro tempore.

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

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, May 14, 1962, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

REPORT ON DISASTER RELIEF—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 405)

The ACTING PRESIDENT pro tempore 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:

I have the honor to transmit herewith a report of activity under authority of Public Law 875, 81st Congress, as amended, and required by section 8 of such law.

Funds which have been appropriated to accomplish the Federal assistance determined eligible under this authority are specifically appropriated to the President for purposes of disaster relief.

JOHN F. KENNEDY.

THE WHITE HOUSE, *May 15, 1962.*

LIMITATION OF DEBATE DURING MORNING HOUR

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

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on Finance was authorized to meet during the session of the Senate today.

EXECUTIVE SESSION

Mr. MANSFIELD. Madam President, I move that the Senate proceed to the consideration of executive business, to consider the three nominations on the Executive Calendar.

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

EXECUTIVE MESSAGES REFERRED

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

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

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

SECURITIES AND EXCHANGE COMMISSION

The Chief Clerk read the nomination of Byron D. Woodside, of Virginia, to be a member of the Securities and Exchange Commission for a term of 5 years expiring June 5, 1967.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. ATTORNEY

The Chief Clerk read the nomination of Robert C. Zampano, of Connecticut, to be U.S. attorney for the district of Connecticut for a term of 4 years.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. MARSHAL

The Chief Clerk read the nomination of Joseph T. Ploszaj, of Connecticut, to be U.S. marshal for the district of Connecticut for a term of 4 years.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

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

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Madam President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

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

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

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

SENIOR CITIZENS ACT OF 1962

A communication from the President of the United States, transmitting a draft of proposed legislation to provide assistance for research or training projects leading to development of new or improved programs to help older persons, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

PLANS FOR WORKS OF IMPROVEMENT IN HAWAII, ILLINOIS, AND KENTUCKY

A letter from the Acting Director, Bureau of the Budget, Executive Office of the Presi-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

dent, transmitting, pursuant to law, plans for works of improvement on Puukapu watershed, Hawaii, Scattering Fork watershed, Illinois, and Little Kentucky River, Ky. (with accompanying papers); to the Committee on Agriculture and Forestry.

LOAN OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to authorize the loan of naval vessels to friendly foreign countries and the extension of certain naval vessel loans now in existence (with an accompanying paper); to the Committee on Armed Services.

REPORT ON CONSTRUCTION OF AMMUNITION STORAGE PROJECTS FOR AIR NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), reporting, pursuant to law, on the construction of reserve forces facilities projects for the storage of ammunition for the Air National Guard; to the Committee on Armed Services.

JURISDICTION OF MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to increase the jurisdiction of the Municipal Court for the District of Columbia in civil actions, to change the name of the Court, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

SUGAR ACT AMENDMENTS OF 1962

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend and extend the provisions of the Sugar Act of 1948, as amended (with accompanying papers); to the Committee on Finance.

REPORT ON LEAD AND ZINC

A letter from the Chairman, U.S. Tariff Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission on lead and zinc, dated May 1962 (with an accompanying report); to the Committee on Finance.

WATERSHED WORK PLAN FOR NORTH SANPETE WATERSHED, UTAH

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a watershed work plan for the North Sanpete watershed, Utah (with an accompanying document); to the Committee on Public Works.

PLANS FOR WORKS OF IMPROVEMENT IN ALABAMA, GEORGIA, AND UTAH

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Hurricane Creek, Alabama, Marbury Creek and Middle Fork Broad River, Georgia, and North Sanpete watershed, Utah (with accompanying papers); to the Committee on Public Works.

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the Model General Assembly of the Midwest Model United Nations, at St. Louis, Mo., endorsing the United Nations; to the Committee on Foreign Relations.

A resolution adopted by the City Council of the City of Rolling Hills, Calif., protesting against the enactment of legislation to provide a Federal income tax on income derived from public bonds; to the Committee on the Judiciary.

TWELFTH ANNUAL REPORT OF SELECT COMMITTEE ON SMALL BUSINESS (S. REPT. NO. 1491)

Mr. SPARKMAN. Madam President, on behalf of the Senate Select Committee on Small Business, I submit the committee's 12th annual report, unanimously approved, and ask that it be printed.

The ACTING PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from Alabama.

BILLS INTRODUCED

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

By Mr. KEATING:

S. 3299. A bill for the relief of William M. Lee; to the Committee on the Judiciary.

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

S. 3300. A bill for the establishment of a Commission on Revision of the Antitrust Laws of the United States; to the Committee on the Judiciary.

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

By Mr. RANDOLPH:

S. 3301. A bill to provide that certain contracts involving the performance of construction work on buildings or improvements intended to house activities of the Post Office Department are within the coverage of the Davis-Bacon Act; to the Committee on Public Works.

By Mr. HUMPHREY (for himself and Mr. MCCARTHY):

S. 3302. A bill to afford dairy producers the means by which they may adjust their marketings of milk more nearly to equal demand and to improve and stabilize their price returns; to the Committee on Agriculture and Forestry.

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

By Mr. CASE of New Jersey:

S. 3303. A bill to amend the Davis-Bacon Act to require compliance with the provisions thereof in the performance of certain agreements, and for other purposes; to the Committee on Public Works.

ESTABLISHMENT OF A COMMISSION ON REVISION OF THE ANTITRUST LAWS OF THE UNITED STATES

Mr. JAVITS. Madam President, for myself and the Senator from Oregon [Mr. MORSE], I introduce, for appropriate reference, a bill providing for the establishment of a Commission on Revision of the Antitrust Laws of the United States.

A similar commission established by Congress in 1940, the Temporary National Economic Commission, filed extensive reports on many phases of our economic life, including the antitrust laws, but the advent of World War II made implementation of them impossible.

In 1955 the Attorney General's National Committee To Study the Antitrust Laws was another effort in this direction, and several of its recommendations were embodied in law. However, in the intervening years we have seen great changes in the economic structure of both the Nation and the world, and the shift in the cold war to an economic battlefield. There is increasing indication that in certain major areas of their application, our antitrust laws are obsolete and that for the economic health of our Nation, procedures in the enforcement of the antitrust laws need revision. These changes, in our view, clearly require a fresh, thorough examination of the impact of our antitrust laws and policies upon U.S. productivity, U.S. long-range economic growth, and U.S. trade, foreign investment, and foreign economic policy generally. The Commission, comprised of experts selected on a bipartisan basis from the executive branch, the Congress, and private life, would provide the broadly based vantage point for such an examination and would make recommendations for revising the antitrust laws, both in substance and in procedure.

Domestic economic issues which the Commission would be expected to inquire into would include those highlighted by the recent steel price rise controversy: the pressing need, imposed by competition from abroad, for rapid modernization of plant. The Commission would study the impact of the antitrust laws upon joint research and development to solve that problem and the related problem of chronic unemployment. Also, the reversal last week by the Supreme Court of the doctrine of primary jurisdiction, which had resulted in leaving to regulatory agencies the principal responsibility for approval of mergers in a number of important regulated industries, now places even greater emphasis upon the antitrust laws than ever before. The economic implications of this development must be thoroughly explored, particularly in the case of those industries which depend for their survival upon increased efficiency and productivity.

The area which would claim equal attention by the Commission is that of foreign trade and investment. I introduced last week a series of bills designed to implement the report on East-West trade which I made after returning from the Soviet Union, where I went on a mission for the Joint Economic Committee. I found that, because of their monolithic state trading organizations, the Communists are taking advantage of our competitive system to bid off individual free world businesses—and I define business to include management, labor investors, farmers, and consumers—against each other, which has resulted in alarming Soviet acquisitions of technological know-how and advanced equipment. Also, the Soviet trading monopoly is creating a considerable problem for the free world by increased oil sales to the West. To combat this, U.S. business will have to cooperate with other free world business enterprises in meeting the competition of the Communist trading organizations in the markets of the world.

Under existing law there are grave impediments to such cooperative activity. A highly limited exemption from the antitrust laws for export cooperation was provided by the Webb-Pomerene Export

Trade Act in 1918. However, this is limited to the associations of U.S. firms so that cooperative arrangements for export trade between other Western corporations and U.S. firms, or even Webb-Pomerene associations, are not treated as within the Webb-Pomerene exemption. Thus, the legality of such arrangements for the purpose of meeting Soviet bloc trading organizations is shrouded in uncertainty and would have high priority as a subject for study by the Commission. Other areas of foreign trade and antitrust law are also in need of examination. A prime example is that of official policy vacillation toward Middle East oil consortia, which have alternatively been given approval and condemned. "Clearance letters" from the Attorney General have been used as a limited informal device for alleviating uncertainty in the foreign trade area, and it would be the Commission's responsibility to evaluate the possibility of stable statutory procedures for clearance, perhaps involving the State Department as well as the Justice Department.

It should be noted that in 1951 I introduced a similar bill in the House of Representatives and the distinguished Senator from Oregon introduced a companion bill in the Senate. The increased urgency of the problems which I have outlined make a comprehensive survey and evaluation of the antitrust laws even more imperative now, and I strongly urge that Congress authorize such an undertaking without delay.

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

The bill (S. 3300) for the establishment of a Commission on Revision of the Antitrust Laws of the United States, introduced by Mr. JAVITS (for himself and Mr. MORSE), was received, read twice by its title, and referred to the Committee on the Judiciary.

FOOD AND AGRICULTURE ACT OF 1962—AMENDMENT

Mr. HART. Madam President, I submit an amendment intended to be proposed by me, to the bill (S. 3225) to improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes. I ask that the amendment be printed and lie on the desk.

This amendment would broaden the Agricultural Marketing Agreement Act of 1937 as it relates to cherries.

I ask unanimous consent that the text of the amendment, together with a memorandum outlining the justification and need for this amendment, be printed at this point in my remarks.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and lie on the desk; and, without objection, the amendment and memorandum will be printed in the RECORD.

The amendment and memorandum are as follows:

On page 69, between lines 11 and 12, insert the following:

"SEC. 404. The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended as follows: Section 8c(6) is amended by striking the period at the end of (I) thereof and inserting in lieu thereof the following: ': *Provided*, That with respect to orders applicable to cherries such projects may provide for any form of marketing promotion including paid advertising.' "

On page 69, line 12, strike out "Sec. 404" and insert "Sec. 405".

MEMORANDUM

This amendment of section 8c(6) of the Agricultural Marketing Agreement Act of 1937, which outlines and specifies the terms and conditions of orders, deals specifically with cherries and broadens the language now used in (I) "marketing research and development projects, etc."

Cherry growers seek to broaden this language so that they have available to them the marketing tools necessary to build an expanding market for a product that is commercially feasible in their orchard operations and susceptible to expansion in production in the Great Lakes region at competitive production costs with any other tree fruit.

The present language of the act has been very narrowly interpreted. Evidence of this may be seen in the USDA Agricultural Marketing Service information booklet No. 230 entitled "Marketing Agreements and Orders." Under the heading of "What Can Be Done Through Marketing Order Programs," the following are listed:

A. Regulation of quality.
B. Regulation of quantity.
C. Standardization of container packs.
D. Research and development projects.
E. Unfair trade practices.
F. Price posting.
G. Marketing information.

Under "D," research and development projects, it specifically states: "However, funds may not be used for direct advertising or sales promotion programs."

It can be readily seen that in denying the producer the right to use his own money as collected through marketing orders for direct advertising or sales promotion programs, the producer's ability to market his commodity is severely handicapped in this age of mass distribution and mass communication. Proof of this may be seen in the fact that where commodities are fortunate enough to be grown in large enough quantities in one State to dominate the national market such as oranges and cling peaches for processing, growers and handlers have turned to State marketing orders and the bulk of their industry funds are spent on the exact programs denied commodities in Federal marketing orders. Not only have these programs been undertaken, but they are universally recognized as the most successful commodity programs of our time. Witness the work of the Florida Citrus Commission which has the Nation and the world drinking orange juice as a standard breakfast item. Witness the work of the Cling Peach Advisory Board which has developed the peach output of one State and one variety into the largest single processed fruit pack in the world utilizing 1,200 million pounds of this variety of peach in one season's pack. How long can Montmorency cherries which are 95 percent processed, be expected to compete with this type of salesmanship without having a similar basis for competition. Montmorency or red cherries are grown in adaptable environments that are determined by the geographical boundaries of the Great Lakes not by the boundaries of the States. Due to the cool nights, delayed blossoming and temperate winter temperatures created by a northwest exposure of large bodies of water at high latitudes, these ideal conditions to grow red cherries have resulted in the following production pattern by States. Of the supply of red tart cherries in the United States, Michigan grows 50 percent, New York 17 percent, Wisconsin 11 percent, Pennsylvania 10 percent, Oregon 5 percent, and Ohio 2½ percent.

Should this commodity—by virtue of its geographical position—be denied one of the most important elements of market development that have so successfully served oranges, cling peaches, and we could mention olives, avocados, etc.? Worse yet, should the State of Michigan design a State marketing order to meet California and Florida for the purpose of driving New York, Wisconsin, Pennsylvania, Oregon, and Ohio out of the cherry business? Surely the Montmorency cherry is one variety equally benefited by the moderate temperatures from large bodies of water and undistinguishable as to origin from Michigan or any other State enjoying the same climatic environment.

Certainly, processors who own plants for freezing or canning this variety of cherry in several States, do not sell their cherry product by State origin. Bakers, preservers, ice cream manufacturers, and retailers who buy processed cherries for their finished products, use cherries from one State or the other indiscriminately. It is also conceivable that growers given broader promotional alternatives could well use these powers to provide needed tools for developing a European market for their product. At this time, they are undertaking a survey of that market and find that demand for a processing variety of cherry in Western Europe has good possibilities of materializing.

Further proof of the national and international character of the market for cherries and the regional specialization of its production can be seen in the structure and character of the organizations which growers and processors have developed in the course of the industry's efforts to help themselves. The National Red Cherry Institute was founded by processors in 1928 as a voluntary method of processors pooling their resources to promote cherries on a national basis through the sponsorship of a national cherry pie baking contest. Growers formed the National Cherry Growers Council in 1942 to protect their interests during World War II and promote their mutual welfare. Growers from all States mentioned have been members of this council. Out of this organization, the Great Lakes Cherry Producers Marketing Cooperative was formed to negotiate uniform prices, grades, and methods of payment on uniform contracts throughout the principal Great Lakes States growing 95 percent of the country's red tart cherries. This voluntary cooperative organization, created in the best tradition of American agriculture, of farmers voluntarily and cooperatively organizing to help themselves has grown from 1,350 members from five States growing 19,000 tons of cherries to 2,113 members growing 60,000 tons from five States in 1961. This organization under the benefit of the Capper-Volstead Act has successfully established third-party grading for cherries on a national basis, a grade schedule for cherries that creates incentives to improve the quality of cherries delivered processors, a reasonable price based on supply and demand. On the basis of its performance as a voluntary organization, it

has increased its membership to the present representation:

Membership as of May 1, 1962:

Michigan	1,615
New York	361
Pennsylvania	139
Wisconsin	188
Ohio	15
Total	2,318

This represents about 30 percent of the commercial growers who grow approximately 60 percent of the cherries in the five Great Lakes States who in turn grow 95 percent of this country's red tart cherries.

This organization finds itself after years of progress faced with the hard economic facts of life in today's market.

1. There is a limit on how much half of the growers can spend to benefit the entire commodity and leave themselves exposed to the competition of those who would like to ride free on their efforts.

2. When other competing processed fruit commodities have available to them sales promotion programs supported by all the growers of that commodity and use this tool effectively, they must also promote—educate the consumer as to the value of their product or perish.

For the past 10 years the industry has tried to develop a voluntary promotion program through State marketing orders and the Red Cherry Institute. The score to date stands: marketing orders in two States, a commission in one State, and no supporting legislation in other States. Processor voluntary contributions have gone down. Moneys available for national promotion have dropped yearly or barely held their own. In 1961 they discontinued the National Cherry Pie Contest after 25 years of building this national promotion.

Congress by enacting this amendment will not be forcing cherry growers to develop a sales promotion program here or abroad. Growers and processors themselves must pay for this program and vote in a marketing order to accomplish its objectives. However, Congress will be correcting an inequity by giving the growers and processors of this industry equal opportunity under law to compete with other commodity interests in Florida, California, and Hawaii. In the true American tradition, the growers and processors of this industry are asking this Congress—not for money, not for advantage, but for the opportunity to compete on an equal basis not available to them because of the geography of this country. As farmers, they cannot establish a label for their commodity—but stock for Montmorency cherries is free for all to purchase—they cannot establish a patent for their improvements in research and production efficiency but they can by law, if this Congress so determines, stand united behind a necessary effort to sell the product of their labors.

AMENDMENT OF SECTION 204 OF AGRICULTURAL ACT OF 1956—AMENDMENT

Mr. MUNDT (for himself, Mr. HRUSKA, Mr. CASE of South Dakota, Mr. ALLOTT, and Mr. CURTIS) 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.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 160. An act for the relief of Thomas O. Tate, Jr.; and

S. 1684. An act for the relief of Merle K. Loessin.

The message also announced that the House insisted upon its amendment to the bill (S. 320) to amend the provisions contained in part II of the Interstate Commerce Act concerning registration of State certificates whereby a common carrier by motor vehicle may engage in interstate and foreign commerce within a State, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HARRIS, Mr. WILLIAMS, Mr. STAGGERS, Mr. FRIEDEL, Mr. BENNETT of Michigan, Mr. SPRINGER, and Mr. COLLIER were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 185) to defer the proclamation of marketing quotas and acreage allotments for the 1963 crop of wheat, and it was signed by the Acting President pro tempore.

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. WILEY:

Excerpts from statement by himself urging the use of Col. John Glenn as a good-will ambassador from the United States to other countries, including the Soviet Union; also an editorial from television stations WITI, Milwaukee, Wis., also urging the use of Col. John Glenn as a good-will ambassador.

PROFITS OF DEFENSE CONTRACTORS IN THE MISSILE FIELD

Mr. ERVIN. Madam President, the Twin City Sentinel, of Winston-Salem, N.C., published on April 17 an editorial entitled "Missile Buyers and Home Buyers," which made some timely comments on the current investigation of profits of defense contractors in the missile field. I ask unanimous consent that the editorial be printed at this point in the body of the RECORD.

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

MISSILE BUYERS AND HOME BUYERS

The current Senate investigation of profits among defense contractors is best understood if one bears in mind some of the traditional procedures of contracting. And if those procedures are accepted as fair, it becomes plain that the defense contractors, including Western Electric, were not paid something for nothing. They performed services for the profits they received.

At issue is the role of the prime contractor, who takes responsibility for the production, completion, and satisfactory performance of some major job. Western Electric's Nike missile assignments have figured prominently in the hearings. Western is the prime contractor, and has subcontracted many components of the Nike system to other manufacturers, such as Douglas Aircraft, rather than develop the fantastically costly and diversified plant facilities to build all the Nike parts itself. The subcontractors naturally required profits on their shares of the work.

Then, in figuring out its own profit, Western took the total cost of the work completed, including money paid to subcontractors, and added its profit percentage to that total. Thus the prime contractor takes a profit on the profit paid to the subcontractor, who in turn is taking a profit on that paid to any sub-subcontractors, and so on.

A private citizen having a home built would pay the same pyramided profits if he turned the whole job (and responsibility) over to a single contractor. The contractor would hire other firms—plumbers, roofers, electricians—to do parts of the job his own firm was not equipped to do. Since he would be responsible to the home buyer for the quality of the whole job, he would spend time and effort making sure his subcontractors performed satisfactorily. He would earn a profit on the work those subcontractors did by (1) checking their performance and (2) assuming responsibility for their performance.

But occasionally a home buyer has the time and inclination to be his own prime contractor. He deals personally with each firm that has a hand in the job, selecting them and negotiating with them on prices. That way he avoids the profit pyramid by doing quite a bit of work himself and by taking over the responsibility for seeing that the various systems of his house blend into a satisfactory whole—no plaster torn out to put in a forgotten electric circuit, or the like. It goes without saying that the average citizen is poorly equipped to take on such a duty, and comes out better if he has a professional builder—or a watchful architect—charged with overseeing the satisfactory completion of the house.

Then there is a compromise approach. The home buyer can select a shell house, or even have one designed and built to his specifications. With the heaviest and trickiest part of the job done, he can then finish the house himself, perhaps with hired help, at a saving. A reasonably handy man does not have to have a contractor's guidance when it comes to laying tile, painting (or even paneling) rooms, landscaping his yard or many other jobs required to make a shell house a home.

Rather surprisingly, this discussion of building a house applies quite aptly even to something as complicated as the Nike project. And the Government's choices are broadly the same as the home buyer's.

The Government could, if it wished, have built up within the Army a prime contracting office for the Nike, with the necessary scientific and technical personnel to parcel out the work to the various contractors, perhaps do some of the manufacturing itself, and make sure everything fitted together properly on completion. All the private industries involved would be reduced, in effect, to subcontractors, and the profit pyramid eliminated. The catch is that the Army's prime contracting unit would be a costly operation itself. Since it would lack the motives for economizing that apply in private industry, this unit could well have proved far more expensive than are Western's prime contracting service. Also such a unit

would tend to be more of a permanent Government expense than a private corporation hired on a one-job-at-a-time basis.

But even without an elaborate prime contracting bureaucracy, the Government does not have to handle every item of equipment involved in the Nike system through Western Electric, and for that matter it does not. Like the man who buys a shell house, the Army has taken the job and responsibility of buying some minor Nike items directly from subcontractors. These items, cables and trailers, are sufficiently similar in nature and performance standards to things with which the Army has a working familiarity not to require Western Electric's guarantee of satisfaction.

Quite possibly, the Army has been too timid about breaking out such items from its prime contracts, and thus saving money. Even in a project as sophisticated as the Nike system, there is a lot of plain, everyday hardware involved, particularly in ground support for the missiles.

When this was suggested in the Senate committee hearings, the point was made that Western Electric's response to Army proposals of additional breakouts was that Western could not be held responsible for the performance of equipment purchased directly by the Army. The phrase was bandied about that, in this way, Western was holding the Nike system captive.

Here, too, our homebuilding analogy seems to fit. No building contractor is going to take responsibility for smoked-up walls if the homeowner adds a faulty fireplace on his own hook, or for the success of a do-it-yourself job of tile laying. Likewise, it appears unreasonable to suggest a defense contractor should accept liability for any part of the contract that is taken out of his hands. If the practice of breaking out parts of prime contracts were overdone—carried past the point where the armed services are actually prepared to take responsibility—the risk of failures would soar. Western is taking no more than normal safeguards of its resources and reputation by insisting that the responsibility be shifted in all breakouts.

There remains the question of how much profit a prime contractor should take on work not done in its own shops. As Western Electric's president, H. I. Romnes, pointed out at a recent stockholders' meeting, it is not really possible to say, under present defense project accounting procedures, just what profit is taken for such work. He noted that Western's profits on Nike, over the years, have amounted to 3½ percent to total costs to the Government. That is definitely a substandard margin for manufacturing of the sort in which Western is engaged. Five percent or more would not be out of line.

Does not this low margin take into consideration the fact that Western is not doing all the work on which the profit is based in its own shops, but is making sure the work is done properly?

Defense contracting is one of the biggest expenses of our Federal Government today, and it is in the taxpayers' interest for Congress to keep a questioning eye on those contracts. It may well be, as Senator McClellan, investigating subcommittee chairman, suggests, that contracting procedures need revision to eliminate unnecessary payments of profits. While prime contracting looks like the most satisfactory way of getting complicated jobs done properly, there is ample reason to reexamine the profit margins on projects where subcontracting accounts for particularly heavy portions of the total work done. Another question that needs close attention is the amount of use to which the armed services put the shell house type of contracting. Certainly the services should not shy away from any responsibilities they are equipped to assume through this method of economizing.

DAVID LAWRENCE'S VIEW OF THE LITERACY TEST BILL

Mr. TALMADGE. Madam President, no journalist has endeavored more persistently or consistently to alert the Nation to the true issue involved in the current debate on the so-called literacy test bill than has the respected columnist and editor, David Lawrence. His editorial in the current issue of U.S. News & World Report is the most succinct and forceful summation of the question yet written.

Mr. Lawrence minces no words in pointing out that a desire to cater to minorities has caused many lawmakers "to forget the basic principles of constitutional law and to take refuge in the questionable doctrine that the end justifies the means." He points out with complete documentation that the Constitution plainly vests in the States the power to prescribe voter qualifications, and warns that the setting of a precedent of ignoring the Constitution for expedience in the current instance could result in the States' losing all their rights.

This distinguished writer declares:

Either we will conduct our democracy by the tenets of a written Constitution, or we will begin to erode our traditions and our ethics by contending that, because the objective seems worthy, nothing else matters.

He concludes with the call for an informed electorate "to persuade our elected officers to be courageously guided by conscience and thus to preserve representative government in America."

There is a message in Mr. Lawrence's editorial, not only for every Member of Congress, but also for every American. I ask unanimous consent, Madam President, that the text of the editorial be printed at this point in the body of the Record.

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

Without Conscience

(By David Lawrence)

Representative government in America cannot succeed if most of our elected legislators are without conscience—if they resort to political tricks and stratagems which the people would repudiate if they took the time to learn the whole story.

The assumption of the politician is that the people can be fooled or that they will not take the trouble to find out the facts. This is what is behind much of the chicanery of modern politics.

Today, for example, it is popular in Congress to cater to the so-called minority vote. Whenever the cry of civil rights is raised, Senators and Representatives from cities in the North tend to forget the basic principles of constitutional law and to take refuge in the questionable doctrine that the end justifies the means.

Eminent Republicans, including the leaders of the party, are just as much to blame as Democratic leaders and other members of the majority party.

It is discouraging, too, to find that influential newspapers in the metropolitan centers brush aside as specious or irrelevant the argument of unconstitutionality made against the proposed law to fix a sixth-grade education as a sufficient literacy test for voter qualification. Either we will conduct our democracy by the tenets of a written Constitution, or we will begin to erode our traditions and our ethics by contending that, because the objective seems worthy, nothing else matters.

The Constitution plainly vests in the States the power to prescribe what shall be the qualifications for eligibility to vote.

The Supreme Court of the United States in decision after decision—even as recently as 1959—has recognized this right of the States and has specifically upheld literacy tests as a means of ascertaining eligibility for voting.

Now come the champions of civil rights to say that the 14th and 15th amendments contain clauses which permit Congress at any time negatively to override any State law in the field of voting and to substitute an affirmative definition of what the qualifications for voting shall be.

The Constitution says that no State shall make any law that denies or abridges the right to vote because of color or race or sex. But this does not mean that Congress can substitute its own judgment and specify how literacy, for instance, shall be determined.

The Supreme Court has said that the Department of Justice may file suits to eliminate discrimination by State officials in passing on the eligibility of voters. But nowhere in the Constitution is there the slightest authority given to Congress to write a law substituting Federal specifications for the voter qualifications fixed by a State.

If this were accepted on the ground of expediency, then Congress could at any time pass a law fixing 16 or even 14 years as the age for voting, or stipulating its own standards of efficiency for employment, or setting forth its own standards of education in the granting of diplomas or college degrees. The States could thus lose all their rights.

The Constitution does give Congress the power, by appropriate legislation, to enforce the antidiscrimination clauses of the 14th and 15th amendments. But the word "enforce" relates to the fixing of penalties or the scope of judicial procedures. This does not grant Congress the right to pass new laws professedly aimed at preventing abuses while actually substituting its own set of voter qualifications for those of the States.

These issues have been fully debated in the last few weeks in the Senate. Fear that a majority of Senators, influenced by the presence of a large population of Negro voters in their States, might pass the bill declaring a sixth-grade education as a sufficient standard for literacy caused southern Senators to start a filibuster. They hoped to squelch the measure by prolonged debate—a right they possess under existing rules in the Senate.

The sponsors of the measure, however, strove to get a record vote on the literacy bill itself. Some Senators voted against shutting off debate so as to avoid a decision on the main bill. Others voted against closing the debate with the hope that this would make it unnecessary for them to vote in favor of the literacy bill. Some fear that rival candidates for their seats in Congress may misrepresent a position taken on principle as really an opposition to civil rights. All honor to those Members who have resisted such temptations.

But too many men in public life succumb to the tricks of politics. They are too readily inclined to believe that the end justifies the means—whether in enacting legislation or in fulfilling an ambition to win elective office.

This is why we can become the victims of government without conscience.

Only an informed electorate can persuade our elected officers to be courageously guided by conscience and thus to preserve representative government in America.

VIEWS OF ROBERT MOSES ON SUBSIDIES FOR MASS TRANSPORTATION

Mr. PROXMIRE. Madam President, Robert Moses, of New York City, is known as a great expert on city planning and city organization. The other day he made a very interesting observation on the proposal for subsidies for mass transportation.

I feel very strongly that the proposals made by the administration may be quite excessive, and may involve the Congress in a tremendously expensive program which would not solve the basic problem.

Mr. Moses said, in part:

We are becoming hysterical and prodigal about aid to ailing commuter railroads and tend to exaggerate the advantages of mass transportation.

He went on to say:

We should not be too generous with public moneys in subsidizing rails to insure adequate commuter service until they demonstrate more self-reliance, ingenuity, and enterprise.

He also pointed out that the image and symbol makers of Madison Avenue are ruling the land. He said:

Not so long ago the slogan was "A chicken in every pot and two cars in every garage." Now, it's rock cornish hen and mass transportation.

The difficulty with the bill is that it would subsidize the wealthiest, most affluent sections of our society, and it would do so at great expense and it would do so even though the alternate methods of solving the serious problem have not begun to be explored.

I ask unanimous consent that the article describing Mr. Moses' talk be printed at this point in the RECORD.

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

MOSES BELITTLES RAIL HYSTERIA IN MASS TRANSPORT PROPOSALS

(By Joseph C. Ingraham)

Robert Moses, reflecting a highway builder's view, asserted yesterday that "we are becoming hysterical and prodigal about aid to ailing commuter railroads and tend to exaggerate the advantages of mass transportation."

He attributed the plight of the railroads mainly to the men who run them, contending that rail executives still cling to outmoded thinking and conduct.

A part of the railroads' troubles, he said, is the refusal of regulatory agencies to grant fare increases when, with proper control, they would have facilitated major improvements at low cost.

In a major discussion of transportation problems at the National Highway Users Conference in Washington Mr. Moses also said that past performance of railroads indicated that "we should not be too generous with public moneys in subsidizing rails to insure adequate commuter service until they demonstrate more self-reliance, ingenuity, and enterprise."

POLICY CHANGES SUGGESTED

He called also for repeal of discriminatory legislation, excessive regulation and reorganization of Federal agencies under central supervision.

"If consolidation of large railroads will forestall nationalizations, why let a somnolent agency that inspires little confidence stall the merger of the New York Central and Pennsylvania Railroads?" he asked. (The agency referred to is the Interstate Commerce Commission.)

Mr. Moses voiced praise and criticism of President Kennedy's transportation program. He called it imaginative, courageous, farsighted, and conducive to constructive thinking to meet the accumulating challenges of metropolitan growth.

But he said the program was "too comprehensive, too generous and too much in the direction of bureaucratic central control and discouraging of private initiative.

It poses the threat of "the inevitable policing of massive Federal aid," he added.

OVERALL LEGERDEMAIN

Mr. Moses also attacked the President's ideas for an overall mass transportation policy.

"Because rail, rubber, air and water travel all are forms of transportation and can be conveniently grouped," he said, "we fondly conclude they should be operated as one," he told the conference.

"But where do we find the geniuses to do this legerdemain?" he asked.

Asserting that image and symbol makers of Madison Avenue were ruling the land, Mr. Moses added:

"Not so long ago the slogan was 'a chicken in every pot and two cars in every garage.' Now it's rock cornish hen and mass transportation."

He was also skeptical of the advantages of "shotgun marriages" between rival forms of transportation. And he warned that roadbuilding paralysis might result if the Kennedy proposal requiring highway plans to include all forms of transportation in a complex dictated by central agencies in Washington were adopted.

Mr. Moses, who is Mayor Wagner's liaison in Federal-State-city arterial planning, also offered a broad program to mitigate traffic jams. His recommendations included buses on expressways; staggered working hours, night trucking and large cash subsidies to encourage tenant and business relocation from right-of-way needed for roads in congested urban areas.

WITI-TV'S FINE EDITORIALS

Mr. PROXMIRE. Madam President, television, which has been stanchly criticized, is beginning to make a solid public interest contribution through meaningful and courageous editorials. One of the Nation's best examples of this is station WITI-TV in Milwaukee, recently cited for public service distinction for its editorials.

I take this opportunity to offer an enthusiastic pat on the back to WITI-TV for these excellent editorials. Thoughtful, courageous, imaginative WITI editorials are helping Wisconsin citizens to understand key public questions by presenting soundly reasoned opinions.

Responsible for WITI's distinctive innovation in programing are General Manager Roger LeGrand and Carl Zimmermann, director of news and public affairs. My congratulations to these men and their associates for a good job well done.

An example of WITI's willingness to take a tough-minded, unpopular position on a vital issue was a recent editorial entitled "A Warm Milwaukee Reception for Cuban Refugees."

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:

A WARM MILWAUKEE RECEPTION FOR CUBAN REFUGEES

Mr. ZIMMERMANN. Twenty-five Cuban refugee families are coming to Milwaukee. They'll need your help and understanding.

Twenty Milwaukee civic and religious organizations are paving the way for the arrival of over 80 refugees from Castro's Cuba. The first Milwaukee destined flights in freedom planeload—25 families—will arrive here June 9 to begin a new life. The Milwaukee Area Cuban Resettlement Committee, which has undertaken the task of finding sponsors for these people, says the response has been good and the program is shaping up well.

On April 5, WITI-TV editorial endorsed the idea of resettling these people in our community. We were gratified by the many people who voiced their support; but, of course, there were some who protested. There were those who said, "We've got enough problems without bringing in another planeload." There were those who said, "We don't have enough jobs for our own people. Why should we add to that burden?"

We'd like to point out to them that these Cuban refugees are not asking for handouts, they're not asking for pity, and they're not asking for someone else's job. They're only asking for a chance to share with us the freedoms and opportunities of the free world. They are anxious to become a part of our community to help it to grow and to grow with it.

Others have come before them and with help and encouragement they began to carve a place for themselves. People like Dr. Rafael Iturralde, who humbly accepted a position as assistant in surgery at St. Luke's Hospital after practicing medicine in Cuba for 15 years:

Dr. ITURRALDE. When I come to United States, I leave all my property and everything over there to be able to make a living here as a free man.

There are many Cubans that want to come here to Milwaukee to work just as we are doing. I am very happy living here. People have been very nice to us, and I have met wonderful people that are willing to help us so I thank all of them for the help that they have been giving to us.

Mr. ZIMMERMANN. The June 9 flight in freedom will bring us more people like Dr. Iturralde—skilled people ready and willing to work and to learn—new assets to our community.

The 20 organizations which have formed the local Cuban Resettlement Committee have tackled a big task. Under their leadership, Milwaukee will assume its share of the free world's obligation. The committee needs the cooperation of this community, and the 80 refugees from Castro's communism need our warm reception.

SOVIET OIL IN CEYLON

Mr. KEATING. Madam President, last Thursday I spoke on the Senate floor and warned that if the United States and its NATO allies do not take action promptly and firmly to check the Soviet oil offensive, our interests throughout the world could be deeply

injured. I pointed out that in the last year the Soviets have undertaken new negotiations and activities in Brazil, Chile, and Ceylon. In each case, the Soviet promise to develop oil resources and operations for the local government is an attractive bait to nationalistic feelings, and incidentally a clever Communist tactic to undermine private enterprise markets.

Today news reports reveal the extent of Soviet gains in Ceylon. The Government is seizing the facilities of one British and two American oil companies to be used by the newly formed Government-owned Ceylon petroleum corporation. This company will be principally supplied with products from the Soviet Union. Yet Ceylon has gotten $71 million in U.S. aid and has a 3-to-1 favorable trade balance with the United States.

Madam President, this action gives added urgency to the need for the United States to take action through NATO and the OECD. A common oil policy must be devised and enforced. As I pointed out last week, we should actively work for: first, uniform oil policies for the entire NATO community comparable to current weapons programs, with curbs on imports of Soviet oil for each country; second, common policies with regard to preventing Western supplies to the Communists of oil transportation, pipeline, extracting or refinery equipment; third, continued public disclosure of Soviet price-cutting tactics designed to hurt not just the West, but also the oil-producing countries dependent on oil revenues; and, fourth, a determined effort, with or without Government assistance, to increase oil exploration or reserves in other areas of the world, more removed from the Soviet pressures.

Madam President, I would also like to add my vigorous support for some language in the foreign aid bill to cover situations involving the seizure of American property abroad. Although I am not convinced that the language adopted by the Foreign Relations Committee last week is entirely adequate to meet the threat, it is clearly time to take stock of the treatment American private enterprise is getting in countries that have received generous amounts of American foreign aid paid for by taxes on the American people and on American private enterprise.

Madam President, let me repeat, if we do not act quickly against the Soviet oil offensive, we may soon find ourselves drowned in a gush of Communist petroleum.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. KEATING. Madam President, I ask unanimous consent to have 2 additional minutes.

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

Mr. KEATING. If guidelines can be laid down in these crucial areas now, before the Soviet offensive reaches full strength, then the growing economic power of the Common Market and the United States can be brought to bear promptly and effectively to reduce the Soviet threat. If we act now, the Soviet tactics to divide and conquer, infiltrate and influence, can be blunted. If we wait, we may eventually find to our dismay that the industrial might of the Common Market and the economic progress of underdeveloped countries, now encouraged by our own foreign aid efforts, may be built on a foundation of oil-rich Communist quicksand.

It is not enough for the United States to refuse to import Soviet oil, or to cancel Defense Department contracts with foreign firms that import it, as we recently did in Japan. We must sit down with our allies, and with the underdeveloped nations and take the lead in working out and putting into effect measures to protect not our financial interests but the free world's security.

LITHUANIAN FREEDOM FIGHTERS

Mr. KEATING. Madam President, recently I received a copy of a most interesting book by K. V. Tauras, entitled "Guerrilla Warfare on the Amber Coast." K. V. Tauras is the pseudonym of a freedom fighter whose identity must be withheld for obvious reasons.

The book is a story of determined resistance against totalitarianism, against the Nazis, and against the Soviet Union in the period 1940 to 1950. The narrative is based for the most part on personal accounts of people who lived in Lithuania and escaped to the West, statements by defecting Soviet officials, articles in the Lithuanian underground press, and items appearing recently in official Communist releases. It is the story of what can be done by a courageous and determined minority even in the face of apparently hopeless odds.

The preface prepared by Leo Cherne, executive director of the Research Institute of America, provides a fitting start for this work and illuminates some of the areas where guerrilla warfare can serve the cause of freedom. As Leo Cherne points out:

> We should not be deaf to the meaning that is here for us as we make our decisions on Cuba, on Laos, on Vietnam, on the Congo—for there is a warning here for us as well.

Madam President, I ask unanimous consent that the introduction to "Guerrilla Warfare on the Amber Coast," by Leo Cherne, be printed following my remarks in the RECORD.

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

GUERRILLA WARFARE ON THE AMBER COAST

INTRODUCTION

Although most of us have never visited Lithuania, the "amber coast" of the title, we are by no means unfamiliar with the tragic tale of the small nation, imbued with traditions as deep as the roots of its people, taking up arms against a gigantic invader. Perhaps most real to us of all these events in recent times is the Hungarian revolution of 1956 which was played out on the world's stage to a worldwide audience and became one of freedom's most historic acts of faith.

This was an experience indelibly engraved upon the entire free world. Of the struggle in Lithuania, we knew much less, and yet the memory of Hungary's few tragic days of freedom should help us in some measure to comprehend the sacrifice, the courage and the indomitable will of the Lithuanians whose story is told in the pages that follow.

In the past decade, too, we have become familiar with Soviet "wars of national liberation." We have seen Soviet tanks as they approached to liberate Budapest. We have seen Cuba and the Cuban people as they have been liberated by Fidel Castro. We have now in Europe and in our own country many refugees who have fled in ragged terror from the glories of Soviet liberation. There is reflected in the faces of these exiles, many of them Lithuanian, a frustration and tragic loss which dwarfs even the most generous compassion extended to them by those living freely in the West. This book tells of some of these people who, risking their lives and everything else they had, determined that in Lithuania, at least, the spark of their nation would be kept alive.

It is not our business here to review the history of Lithuania. The history of this northern Baltic nation, now absorbed into the Union of Soviet Socialist Republics, is covered adequately enough for our purposes in the opening chapters of this book. Just as the Baltic Sea casts up pieces of amber on her shores when the wind whips the waves to fury, so, too. history throws upon this small nation the crises that ravage her hemisphere.

Since the 11th century, Lithuania has been embroiled in the conflicts raging across Europe. In our own century alone she has been the victim of treachery which resulted in invasion by Germany from the west and usurpation by Russia from the east. Despite decades of cruel domination, however, the spirit of this nation has not broken. Quite the contrary, it has steadfastly persevered without even the spotlight of history to encourage it.

The story of the Lithuanian Freedom Army (LFA) fighting with inferior weapons but superior will against the brutal NKVD forces, daring to print and circulate newspapers and posters, destroying records of patriots, inciting the people to boycott mock elections, protecting the property of deported citizens, raiding Soviet supplies, rescuing many of those doomed to mass deportation—in short, people dedicated to the will to resist tyranny—has much to teach us in the West.

There is much in the so-called peaceful nation of Lithuania that parallels the so-called peaceful world today. In Lithuania from 1944 to 1952, no armies clashed on battlefields. No tanks engaged enemy tanks in battle. No war, as too many of us have come to define war, existed. And yet, neither was there peace—peace as we were once taught to expect it.

Small, highly organized, effective groups of guerrillas thwarted within Lithuania the Soviet plans for collectivization. Small steel-nerved groups assassinated Soviet terror-masters sent to subdue their nation. Small unarmed groups of literate men wrote and distributed material denying the legality of Russian occupation and encouraging the people to resist. At no time were these groups who made up the Lithuanian Freedom Army of substantial size. At no time did they delude themselves into believing that they could drive the Soviets out of their nation. Their object was rather to harass, to delay, to attract the attention of the West, and above all to remind the people that they were victims of aggression, not partners in the glorious Soviet state.

In a world where this book can be written, peace alone is not and cannot be the proper objective of effective diplomacy. Peace alone cannot be the objective in a world where slavery is foisted upon whole nations under the guise of democracy; where blatant imperialist aggression is camouflaged as a war of national liberation. Hungary and Lithu-

ania are but two of those already sacrificed to this kind of diplomacy.

There are episodes to come in this book which may shock and repel those who have come to regard modern warfare as either neatly uniformed armies facing each other across barricades or nuclear holocaust too horrible to envision. Guerrilla warfare is brutality seen close up. But as our own Government has belatedly come to realize, it is an effective weapon in many of the small nations currently slated for Soviet liberation.

The Lithuanian Freedom Army has much to teach us of guerrilla tactics. A small band of highly mobile, supremely trained forces disciplined to silent, effective action, in the years from 1944 to 1952, succeeded in thwarting major Soviet objectives and kept alive in their country the sense of national unity which today distinguishes Lithuania from any other Soviet republic. And all this done with no illusion of final victory.

Today, the Lithuanian Freedom Army is disbanded, its members like shadows absorbed into the people once again. Farm collectivization, Soviet troop reinforcements ultimately forced these soldiers to concentrate on peaceful resistance, a resistance which is not without its effects today in Lithuania. Perhaps it is ineherent in the democracies of the West that we recognize crisis belatedly. Perhaps it is also characteristic that we react, at least initially, in an inadequate manner. But it is not and cannot be inherent that freemen fail totally to recognize the jeopardy they share.

"Guerrilla Warfare on the Amber Coast" is, above all, a personal document. It transcends factional interests. It is a story of men dedicated to an ideal beyond themselves and committed to the defense of that ideal in any and all ways consistent with their heritage. As such, it should be ours as well as his who lived and wrote it.

We should not be deaf to the meaning that is here for us as we make our decisions on Cuba, on Laos, on Vietnam, on the Congo—for there is a warning here for us as well. From the freedom fighter who wrote this book come these words: "As the periphery of the free world is eroded by incessant Soviet and Communist Chinese maneuvers, it would be well to remember that the West does not possess an endless supply of small nations, the sacrifice of which, some may still unrealistically hope, will indefinitely postpone a confrontation between the free world and a dehumanized totalitarianism."

LEO CHERNE.

NEW YORK, *January 3, 1962.*

EDUCATION IN NEW YORK STATE

Mr. KEATING. Madam President, Dr. James E. Allen, Jr., commissioner of education and president of the University of the State of New York, recently appeared before the House Education Committee to testify on H.R. 10180, a bill which would provide a Federal allotment to each State of 2 percent of the State's school expenditures.

In his testimony on this bill, which I myself have not yet had an opportunity to study in detail, Dr. Allen made an excellent summary of the New York State record in the field of education. He also made a proposal, which deserves very serious consideration, that a national advisory board be established in the field of education "to determine the character and scope of our responsibility as a nation for education and how best to structure education at the Federal level for carrying out that responsibility." Dr. Allen reaffirms the need for strong State control and leadership in the field. He gives special reference also to that provision of the bill dealing with special urban projects which can play such an important role in the crowded and often substandard conditions of some cities' education systems.

Madam President, I ask unanimous consent to have printed in the RECORD Dr. Allen's remarks for the study and consideration of my colleagues.

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

STATEMENT BY JAMES E. ALLEN, JR., COMMISSIONER OF EDUCATION OF THE STATE OF NEW YORK, ON H.R. 10180, TO AUTHORIZE ASSISTANCE TO STATES FOR THE FINANCIAL SUPPORT OF PUBLIC ELEMENTARY AND SECONDARY EDUCATION, MAY 1, 1962

Mr. Chairman and members of the subcommittee, my name is James E. Allen, Jr. I am commissioner of education and president of the University of the State of New York. I appreciate this opportunity to appear before you and to present my views relative to H.R. 10180.

The University of the State of New York is the oldest State educational system in the world. It was established in 1784 and constitutes the entire education system of New York State, public and private, from the kindergarten through the graduate schools. It consists of 6,700 elementary and secondary schools, 191 colleges and universities, 700 libraries, 200 museums, and 230 historical societies.

There are 3,707,000 students enrolled in the elementary and secondary schools of the university, of which 2,857,000 are in the public schools. Enrollment in the colleges and universities totals 437,000,[1] of which over 60 percent are in privately supported institutions.

At the present time public school enrollment is increasing in New York State at the rate of approximately 85,000 students a year. We expect to enroll 3,478,000 students in our public schools by 1970, an increase of almost 25 percent over 1960's enrollment. During the same period we are making plans for a doubling of enrollment at the higher education level.

Total expenditures for public elementary and secondary education are expected to be $1,908 million for the school year 1961–62. Of this amount approximately $273 million is for capital outlay and debt service. Current operating expenditures for public schools have more than doubled since 1954–55 and are expected to double again by 1970.

Revenues from the State presently provide approximately 43 percent (1961–62) of the total support for the public schools (expected to be 49 percent for 1962–63), with 54 percent of the total being raised by locally levied taxes, and the remaining 3 percent coming from the Federal Government.

New York State has a good record, generally speaking, for the support of education. State aid for public elementary and secondary schools has increased from $250 million in 1950–51 to $805 million this 1961–62 school year. At the recent session of the legislature, a new State aid plan was enacted which will provide well over $100 million in new aid to the school districts for 1962–63. This is the largest increase in State aid for education ever voted in a single year in New York State. Approximately 42 percent of the total State budget is currently devoted to the support of education.

Local funds for the public schools have increased also—from $345 million in 1950–51 to $1,030 million for the current year, 1961–62. Thus, during this period State aid has increased by 222 percent and local funds have risen by 200 percent.

Along with the action to increase general State aid, steps were taken to eliminate several special aids which by their very nature operate to restrict local control.

We hear much these days, Mr. Chairman, about the need for Federal aid for education. We hear less about the amounts and kinds of Federal funds which presently contribute to the support of education in our country. New York State, for example, in 1958–59, the last year for which complete data are available, received over $120 million of Federal funds earmarked for educational purposes. This was approximately 5 percent of the total Federal expenditure for education during that year. Approximately $42.3 million of this total was received for programs administered by the Department of Health, Education, and Welfare; $22.4 million for programs administered by the Department of Agriculture; $38.8 million for programs administered by the Veterans' Administration; and $16.4 million for programs administered by the National Science Foundation and other Federal agencies.

A description of Federal funds for education received in New York State and the uses made of them is contained in the document entitled "Federal Funds for Education in New York State," which I am submitting as a part of my statement. A reading of this document will quickly impress upon you, I believe, the great value which these Federal funds have been in helping to expand and strengthen education in New York State. This document also contains comments on how additional Federal funds could be used to make further education gains in my State.

As you know, Mr. Chairman, the policy of Federal aid began with land grants for education in the Thirteen Original Colonies, and since 1785 Congress has enacted over 160 Federal aid to education laws. Each law was for a specific purpose, intended to meet a national problem or was a result of a national crisis. Each law added a form of grant to the multiplicity of aids already in existence.

Of the large amount of Federal aid for education received in New York State, only about $12,700,000, or 10 percent, is available for school construction or for instructional purposes. This represents approximately six-tenths of 1 percent of the total expenditure for public elementary and secondary education in New York State. Yet, despite this relatively low contribution, the uses to which these funds can be put are highly fragmented and restricted. The funds received under the National Defense Education Act, for example, fall under five different titles of the act.

It is in the light of the history of Federal aid, the nature of the grants now being received, and current considerations of the need for increased Federal support to equalize educational opportunity that I wish to state my support for H.R. 10180.

I do not intend to comment in detail on the need for general Federal support of education in this country. I concur with the excellent statements that have been made before your committee by the executive secretary of the Council of Chief State School Officers, of which I am a member and a director, and by several other heads of State school systems. The facts have been fully presented and the position eloquently defended by these and many others.

There is general agreement that American education is in need of many changes and much improvement. Many gains have been made in recent years as a result of increased public concern and interest and widespread movements in the schools to raise standards and improve the curriculum and methods of teaching. But much more needs to be done

[1] A total of 227,700 full-time undergraduates and graduates, 109,300 part-time undergraduates and graduates, and 100,000 estimated number of unclassified students.

to achieve the degree of excellence in the education of our youth and adults required by the era in which we live. This can only be done by giving a higher priority to education in the overall scheme of our public and private affairs and by placing at the disposal of our educational institutions the fiscal power of the Federal Government, as well as that of our State and local governments.

But stronger financial support is only one of several steps required to strengthen public education in America. I would like to mention two others.

Directly related to the need for strong Federal support is the need for a reorganization of the administrative and policymaking structure of education at the Federal level, a reorganization which gives to the U.S. Office of Education the independence, status, continuity, and influence which it must have to provide leadership and overall direction to American education consistent with and vital to our national purpose.

Steps are needed to give education a place in the Federal scheme of things more appropriate to its importance, to set it in perspective, and to define its proper role among our national enterprises. It should be given a status and stature which would insure its protection against the evils of divisive influences, political control, and vested interests.

We need a Federal agency capable of bringing together and coordinating Federal activities in education and of clarifying relationships with States. We need a structure which will make clear to the world the respect accorded to education by the American people.

In my opinion, until we obtain such a structure, no U.S. Commissioner of Education, no matter how capable he is (at present, in Dr. McMurrin, we have an educator of first-rate ability), can be fully effective in that important position.

I would like to suggest that an appropriate approach to this situation would be for the President of the United States to assemble a committee consisting of the ablest people available, representing the widest cross section of American life, to determine the character and scope of our responsibility as a nation for education and how best to structure education at the Federal level for carrying out that responsibility.

We need also to strengthen our State education departments in this country. In my judgment, this is one of the most urgent issues today in all of American education, equally so with that of reorganizing the structure at the Federal level.

The structure of American education is unique. We are a nation of 50 separate State school systems. Each State differs in some respects from its neighbors in the way it organizes and finances its schools and colleges. This diversity, which Montaigne once called "the most universal quality," is an integral part of the larger diversity from which America has historically derived her strength.

The maintenance of this diversity and the continuance of State and local control in education depend in large measure upon the strength and quality of State leadership in education. Very few States have developed the legal and administrative structure essential for completely effective leadership.

If we are to preserve State and local control in education, and if the necessary and growing role of our Federal Government in education is to be carried out with full effectiveness, then the structure for education in our States must be strengthened and made more nearly adequate.

This is a responsibility of both State and Federal Governments. Governors and State legislators must recognize the need for strength in the education departments of their States, and take the steps necessary to create those conditions which will enable a State department to exert forceful and decisive leadership. As for the Federal Government, it has no more important function in education than encouraging and assisting the States to carry out their historic role of educational leadership.

If there is a vacuum created by a lack of State action and performance in using Federal funds, indeed, in using all funds, to meet our national need for good education, then Federal control will develop to fill the vacuum.

If, however, the States use Federal assistance wisely and productively, there will be no reason or opportunity for Federal control to impinge upon the administration of State and local educational systems. In such a way States can best protect their traditional sovereignty over education.

In my opinion H.R. 10180 is the type of general support legislation best suited for meeting the needs of education at this time and for preserving and strengthening the traditional structure for the Government of education in our Nation.

I believe firmly that Federal funds for the support of public elementary and secondary education should be transmitted from the Federal Government to each State in terms of two major principles: (1) Federal aid should be used to strengthen State and local school systems through an integration of Federal, State, and local planning and support; and (2) Federal funds for public schools should be channeled through the State education departments.

In my judgment these principles provide a basis for an effective pattern for dealing with the major questions raised concerning Federal aid—the adequate support of quality education without Federal control and the development of a sound tax structure sharing Federal, State, and local resources.

H.R. 10180 recognizes these principles. Its section 204 which states that the Federal funds should be "expended under State law for the benefit of local education agencies in the State and shall thereafter be deemed to be State funds" is a forceful and unequivocal statement of purpose.

Titles II and III of H.R. 10180 both provide that the State agency shall be the one to determine how funds shall be handled and how pilot demonstration or experimental projects shall be approved.

Funds distributed for general assistance under title II are subject to two principles which are basic to the distribution of State funds in New York State. School systems which are relatively poor in terms of local revenue sources have their lack of local ability buttressed by the strength of the State's ability. At the same time school systems which give greater financial support to their programs receive financial reward from the State. Similar provisions constitute a part of H.R. 10180.

The pervading fear of Federal interference in State and local school systems as a result of massive Federal aid is allayed by provisions of H.R. 10180. Section 102, dealing with this question, gives assurance against Federal interference. Definitions are detailed and clear in order to prevent administrative interpretations which could negate congressional intent in this regard. Simplified provisions for adequate reporting and accounting contribute to the assurance against Federal interference by making it possible to apply to Federal funds the same prudential requirements each State uses in handling its own much larger State aid funds. These provisions mean effective and economical administration at both Federal and State levels.

A special word concerning title III is in order. New York State is vitally aware of the need for special urban projects. Beginning July 1, 1961, the legislature provided $200,000 per annum for the support of projects helpful to disadvantaged students in the large cities of the State. The higher horizons program in New York City may be noted as a prototype of this kind of project. However, I trust that the committee has taken due note of a caution submitted by Dr. Edgar Fuller, executive secretary, Council of Chief State School Officers, February 27, 1962. Dr. Fuller pointed out a need for an adaptation of the formula under title III to find a more realistic basis for defining the eligibility of cities to be included or of allowing wider discretion to each State educational agency to allocate a portion of such funds on a basis indigenous to its own State.

To summarize, H.R. 10180 appears to be an excellent approach to Federal aid from the viewpoint of education in the State of New York. The exhibit submitted as a part of this statement shows that New York State has benefited from Federal funds for education and that it will further benefit from the proposal before us here. Even more important, however, is the sound pattern it would present for the many States in greater need than ours. As a practical matter, New York cannot achieve its educational goals as an island in an ocean of educational deprivation, nor would such be in the national interest in any event.

I appreciate the opportunity of appearing before your committee and stand ready to answer such questions as you may care to put to me. I pledge the assistance of the Board of Regents and the Education Department of New York State in helping develop the best possible program of Federal-State relationships in education for the difficult and crucial years ahead.

FEDERAL SUBSIDY OF MASS LOCAL TRANSPORTATION

Mr. LAUSCHE. Madam President, I was delighted to observe that the Senator from Wisconsin [Mr. PROXMIRE] expressed his opposition to the proposal of the Federal Government's entering into the field of subsidizing mass local transportation.

It has been recommended that the Federal Government provide a fund of $600 million, out of which the Federal Government would put up $2 for every $1 that local systems would post for the buying of equipment and the expansion of mass transportation systems.

My fear is that if once the Federal Government enters this field the cost will run into billions of dollars. The cost will grow into proportions far beyond those now anticipated.

There is one phase of the bill to which I wish to invite the attention of my associates. The bill has been sent to the Committee on Banking and Currency, of which the Senator from Wisconsin [Mr. PROXMIRE] is a member. The bill, if passed, definitely would deal with interstate commerce.

The Senate has a Committee on Commerce which, under normal circumstances, would consider this type of bill. However, since it is, in a measure, labeled otherwise than "interstate and foreign commerce," the bill has not been sent to the Committee on Commerce. The situation prevailing in this respect is comparable to the one pointed out by the Senator from Virginia [Mr. ROBERTSON] yesterday, with respect to the bill dealing with the $2 billion public works standby projects. That bill in its most vital aspects contemplates diverting $2 billion of borrowing power from the Federal Deposit Insurance Corporation and the

Federal Savings and Loan Insurance Corporation, to be used for public works. The bill was sent to the Committee on Public Works. The Senator from Virginia [Mr. ROBERTSON] yesterday pointed out that the bill has serious aspects of public works, and probably was rightfully sent to that committee.

The ACTING PRESIDENT pro tempore. The time of the Senator from Ohio has expired.

Mr. LAUSCHE. I should like to have another minute and a half.

Mr. MANSFIELD. Madam President, I ask unanimous consent that the Senator from Ohio may proceed for an additional 3 minutes.

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

Mr. LAUSCHE. As the Senator from Virginia pointed out, after the Committee on Public Works has acted on the bill he cited it should be sent to the Committee on Banking and Currency.

As I have stated, I believe the situation in respect to the bill I am discussing is a parallel one. The bill has been sent to the Committee on Banking and Currency. When that committee has finished considering it and before the Senate acts upon it, in my opinion, the bill should be sent to the Committee on Commerce. If the $600 million is provided it will affect interstate commerce, especially in the New York area. Since it will affect interstate commerce, the bill ought to go finally to the Committee on Commerce, and in due time I contemplate so moving.

Again I commend the Senator from Wisconsin for the position he has taken.

VISIT TO AMERICA OF DR. HEINRICH VON BRENTANO AND DR. WOLFGANG POHLE

Mr. BEALL. Madam President, as a Senator from Maryland—the Free State—it was my privilege to join a distinguished group to, not only officially, but socially as well, welcome two great citizens from the Federal Republic of Germany to Washington.

I refer to Dr. Heinrich von Brentano, former Foreign Minister and present leader of the Adenauer forces in the German Parliament—the Bundestag—and Dr. Wolfgang Pohle, one of Germany's leading industrialists, former member of the Parliament, and one of the architects of the new Germany's system of free enterprise.

As a measure of the esteem in which we Americans hold these two distinguished present-day allies in the fight against the "isms," may I inform my colleagues in this distinguished body that they were guests of honor at two unofficial social functions, one a buffet sponsored by none other than our honorable friend from the House of Representatives, the learned Congressman from Brooklyn, EMANUEL CELLER, chairman of the Judiciary Committee and one of the senior Members of the House, and another, by Dr. von Brentano's good friends, Maj. Gens. Julius Klein and Kenneth Buchanan, well known for their knowledge of international affairs. The distinguished Speaker of the House, the Honorable JOHN W. MCCORMACK also presided at a luncheon in his dining room for our visitors.

I think it is of interest to note that out of respect to Dr. von Brentano and Dr. Pohle, top dignitaries of the executive and legislative branch of both parties, as well as the judiciary, were present at either one or both of the receptions. It was a pleasure to see the Vice President accompanied by his charming Ladybird, Chief Justice and Mrs. Warren, and House Speaker John W. McCormack headed the official American delegation.

The guests represented a cross section of diplomatic, business, government, and religious leaders of the world, including the Ambassador of Germany and Mrs. Wilhelm G. Grewe, the Ambassador of France and Mrs. Herve Alphand, the Ambassador of South Africa and Mrs. W. C. Naude, Mrs. Avraham Harman, wife of the Israeli Ambassador, the Minister of Germany and Mrs. Georg von Lilienfeld, the Minister of Israel and Mrs. Mordechai Gazit.

The Secretary of the Navy and Mrs. Fred Korth, the Secretary of the Air Force and Mrs. Eugene Zuckert, the Secretary of Agriculture and Mrs. Orville L. Freeman, Under Secretary of Treasury Henry H. Fowler and Mrs. Fowler, Under Secretary of Commerce Edward Gudeman and Mrs. Gudeman, Assistant Secretary of State G. Griffith Johnson, Assistant Secretary of Commerce Jack N. Behrman and Mrs. Behrman, Central Intelligence Director John A. McCone, Special Adviser to the President Chester Bowles and Mrs. Bowles, Deputy Special Assistant to the President Meyer Feldman and Mrs. Feldman, Deputy Attorney General Nicholas deB. Katzenbach and Mrs. Katzenbach, Rabbi and Mrs. Norman Gerstenfeld, and Mr. Maxwell Rabb, former Secretary to President Eisenhower's Cabinet.

Senator and Mrs. THOMAS J. DODD, of Connecticut; Senator and Mrs. JACOB K. JAVITS, of New York; Senator and Mrs. J. GLENN BEALL, of Maryland; Senator and Mrs. THOMAS H. KUCHEL, of California; Senator and Mrs. ERNEST GRUENING, of Alaska; Senator and Mrs. HUGH SCOTT, of Pennsylvania; Senator KENNETH B. KEATING, of New York; Senator ESTES KEFAUVER, of Tennessee; Senator MAURINE B. NEUBERGER, of Oregon; Senator STUART SYMINGTON, of Missouri; Senator EVERETT MCKINLEY DIRKSEN, of Illinois; Senator THRUSTON B. MORTON, of Kentucky; and Senator LEVERETT SALTONSTALL, of Massachusetts.

Representative and Mrs. ROLAND V. LIBONATI, of Illinois; Representative and Mrs. WILLIAM MURPHY, of Illinois; Representative and Mrs. CHESTER MERROW, of New Hampshire; and Representative LEONARD FARBSTEIN, of New York.

Many other distinguished colleagues of the Senate and House were present at one or the other reception, and I hope they will forgive me if I do not list all of them.

Dr. von Brentano also attended a National Press Club luncheon in his honor on Friday, May 4, while Dr. Pohle met with the top financial writers in the country, and recorded a broadcast for the Voice of America.

I ask unanimous consent to include in the CONGRESSIONAL RECORD, not only the remarks of Dr. von Brentano, and Dr. Pohle but some of the tributes paid to them by distinguished Americans.

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

REMARKS OF CONGRESSMAN CELLER

Ladies and gentlemen, our guests, Dr. Heinrich von Brentano, Dr. Wolfgang Pohle, my distinguished colleagues and honored guests, it is indeed a privilege to have with us tonight a great statesman, staunch ally, and true friend of the United States.

I refer to Dr. Heinrich von Brentano, leader of the Adenauer forces in the Bundestag—the German Parliament.

It is an American habit, and not necessarily a derogatory one, to refer to someone from another country as a foreigner.

But it is hard to call Dr. von Brentano a foreigner. He is a frequent visitor to our shores, and in his former capacity as Foreign Minister worked untiringly with our Secretaries of State to bring the new Germany into alignment with the forces of the free world.

He is an outspoken foe of Nazism, Communism, and all the other isms that plague the world today. But more than that, he has a family background that many Americans would be proud to have.

As a matter of fact, the Brentano family is part of America's history. His ancester, Lorenz Brentano, was one of the closest associates of Abraham Lincoln and was active in the first (I hate to mention the word) Republican Convention which nominated Abraham Lincoln for the presidency. Lorenz Brentano came to the United States of America in 1848 and went to Chicago. He was a very famous Chicago editor. He and Carl Schurz organized the then powerful Chicago newspaper, the Staatszeitung, assisted by the grandfather of one of our dear friends, Gen. Julius Klein. The Staatszeitung was Abraham Lincoln's mouthpiece. None other than Mr. Lincoln was the attorney who incorporated the newspaper under the laws of the State of Illinois.

His son, Theodore Brentano, was a distinguished Chicago judge, and after World War I, was appointed the first American Ambassador to Hungary.

Of course, all of you know the Brentano book stores. It is the same family that produced so many scholars and diplomats, writers and authors and our Congressional Library has shelves after shelves of the Brentano books authored by members of this distinguished and gifted family.

Now, Dr. Heinrich von Brentano is here, free to speak not as Foreign Minister and not hampered by protocol as he was before when he was a member of the cabinet, but as a free distinguished parliamentarian and leader of his party.

It is fitting that we in the United States in these post-World War II days have been able to come to the aid of the New Germany. Many German immigrants streamed into our country. Their industry and levelheadedness greatly benefited our economy. They brought with them their music and literature and other cultural values that enriched us.

We had such German figures as Baron de Kalb and Von Steuben in the Revolutionary War, Carl Schurz in the Civil War, and both World Wars found many of our great military leaders of German descent, witness Eisenhower, Nimitz, Eichelberger, Spaatz, to name a few.

Great is the nexus between our countries—a nexus that prompted the Marshall plan, a plan which did immeasurable good to

German economy, and caused Germany, like Phoenix, to arise from ashes and ruin.

German statesmanship has been the need to banish Bismark Prussianship and to establish lasting peace with her neighbor France—hence the Coal and Steel Community, the Common Market, and the move toward a European Community. Dr. von Brentano, majority leader of the Christian Democratic Union in the Bundestag, played and still plays an important role in these developments.

Khrushchev fears the Common Market more than NATO. Khrushchev fears the rounding out of the European Community more than our nuclear tests.

The gross national production and the geographical land mass of the nations of the Common Market are greater than European Russia and her European captive countries. Germany, France, Italy, Holland, Belgium, Luxembourg, form a mighty combination—a combination that may soon even be augmented by England, Switzerland, Spain, Denmark, Sweden, Norway, Portugal—the Outer Seven. Hasten the day when these 13 nations emerge as the United States of Europe. We would then bury Russia. In this great achievement our guest will have played important roles.

Heinrich von Brentano is a loyal friend of the United States, thoroughly oriented westward. He knows that the salvation of our civilization must come from the West, not the East. The eastern Communist philosophy would, he realizes, destroy all our advances. He preaches daily against communism and all its poisonous works.

Our guest forms a great team with Erhard, Strauss, Schroeder, and der Alte, Chancellor Adenauer, now approaching nine decades, a most remarkable man. Send him, Dr. von Brentano, our affectionate regards, for Dr. Adenauer is a truly great man who went to jail rather than kow-tow to the Nazi Hitler. He carries on magnificently despite his years.

Age is merely a state of mind; some are old at 30, others young at 80. Adenauer is a young 86. I remember stanzas of Longfellow:

"Ah, nothing is too late,
Till the tired heart shall cease to palpitate.
Cato learned Greek at 80; Sophocles
Wrote his grand Oedipus, and Simonides
Bore off the prize of verse from his compeers,
When each had numbered more than four
score years.

"Chaucer, at Woodstock with the nightingales,
At 60 wrote the Canterbury Tales;
Goethe at Weimar, toiling to the last,
Completed Faust when 80 years were past.

"For age is opportunity no less
Than youth itself, though in another dress,
And as the evening twilight fades away
The sky is filled with stars, invisible by
day."

REMARKS BY HON. DR. HEINRICH VON BRENTANO

Congressman CELLER, ladies and gentlemen, first of all, I should like to express my appreciation and thanks for the very warm welcome that was addressed to me. I must apologize for appearing before you with my arm in a plaster cast, but I assure you that I did not break my arm in a political fight. Yet I hope it will soon be all right again because sometimes you need your elbows in politics.

I've come over here to continue the friendly talks which I have had over here for many years. At the end of my third day, I feel I can say that my talks have been useful and good.

Congressman CELLER pointed out that I have always fought all "isms": nationalism, national socialism and communism. I feel that this is a common task of all our free countries.

Congressman CELLER also referred to the relations between my family and the United States of America. I'm proud that a Brentano sat in the first National Assembly of Germany back in 1848, that my father after World War I helped to work out the Weimar constitution, and I am also a little proud that I myself was a member of the parliamentary council which drafted the new constitution of the Federal Republic of Germany, which I hope will be a good basis for the political life of the German people in a true democracy and in freedom.

I came over here as a representative of a people which over the last few years established a close and friendly partnership with the United States. It is the purpose of this trip, to help remove some of the misunderstandings that have arisen, not about the objectives of our policy but about the methods. I feel it is a duty of friends to discuss such differences, frankly and honestly, since this is the hallmark of cooperation among free men and free nations. I was deeply touched by the expressions of friendship and understanding which I have found here. I hope and wish that my visit may be a contribution toward that great task of protecting freedom where it exists and of restoring freedom where it was lost.

There are two overriding tasks of German policy; to make Europe strong and to make a strong Europe a strong partner of the United States, because we are aware that the future of Europe depends on the cooperation and the understanding of its partners within the Atlantic community.

I feel we are justified to be optimistic about the future. When we look at that part of the world which is ruled by totalitarian communism, I feel we can be sure that, as we put it in German, "the trees will not grow up to the sky." I feel that we can be self-confident because in the years past the free world has proved that it is aware of its duties. I also feel that the way Europe has shaped its destiny is the best reply to the threat with which we are all faced. In meeting this threat, we do not want to use force, unless it is necessary, but we have to draw upon our spiritual, cultural, and moral resources.

Every time I come over here I feel that something exists here that is very impressive; it is the awareness of the identity of a political task and a moral obligation.

Once again, I would like to express my deep gratitude to our host for having given me the opportunity of meeting with you tonight. Let me tell you that the willingness of the German people to cooperate with this great country, the leading country of the free world, is irrevocable. This applies today to the Federal Republic of Germany and it will apply tomorrow or later to the German people in a Germany reunited in freedom. We are dedicated to the cause of liberty and we will not allow the cause of freedom to be jeopardized either in our country or in the countries of our friends. I am sure—otherwise I wouldn't be here—that the moral strength of the concept of freedom is stronger than those forces which threaten freedom. This is a struggle which will have to be fought with spiritual and moral determination and we are aware that we are fighting for a good cause.

I know what the Germans are thinking, not only in the Federal Republic but also those 16 million Germans who have to live in the Soviet-occupied zone. You may be sure that when these 16 million people will be allowed to cast their votes freely, 95 percent of them will be on the side of freedom. This will be one of the decisive moments in the history of the world.

I clearly understood the feelings which were expressed in the statements made by previous speakers and I am grateful for these feelings which I meant to reciprocate in my remarks. Once again, thank you very much.

Congressman CELLER. I seem to be acting here, like a toastmaster, and that reminds me of a description I heard of a toastmaster—a punk that touches off the fireworks. I now will touch off some fireworks in the person of a distinguished colleague, the personable and great Senator from my own State of New York, the Honorable JACOB K. JAVITS.

REMARKS OF SENATOR JAVITS

Congressman CELLER, distinguished guests, ladies and gentlemen, I have had the honor of being met and hospitably treated by Dr. von Brentano and his associates, both in the Federal Republic of Germany at Bonn and at their Embassy in Washington. It is a pleasure to be here tonight with Congressman CELLER and so many of my distinguished colleagues and important guests.

There is no more urgent problem in the world than the integration of Europe, and in that the German Federal Republic plays a key and vital role.

We Americans recognize these negotiations and developments as key conferences to the security of the free world, and as emphasizing the fact that the German Federal Republic thus far has shown a Pan-European attitude, which is affirmatively reassuring to all of us who have assessed the results and record of World War II.

Dr. von Brentano has been one of the leaders in that effort, strongly sustained by the German Ambassador, and under the fundamental policy guidance and direction of the leader of the German people, Dr. Adenauer. This represents a most significant development in our relations and is one of the most affirmative steps in the direction of solving the problems we have in the world.

So it is with a great deal of pleasure and no little pride, that I join with others in this distinguished gathering tonight in welcoming once again, Dr. von Brentano, and his brilliant associate, Dr. Pohle.

Congressman CELLER. At this time, I would like to call on one of Germany's most capable and distinguished industrialists, a former member of the German Bundestag, whose experience in economic and social-political matters equipped him for a leading part in the reconstruction of Germany. Since 1953, he has been a member of the Joint European Committee for Coal and Steel; he plays an important part in the European integration policy.

Ladies and Gentlemen, I give you Dr. Wolfgang Pohle.

REMARKS BY DR. POHLE

First of all, let me thank Senator JAVITS and Congressman CELLER for their remarks because they conveyed to us the firm feeling that you in the United States of America are backing us up in the difficult situation in which we are finding ourselves in Berlin. Let me also make a few remarks about the Common Market. I am no longer a member of the Federal Parliament, but I have come here as a businessman who knows what the Common Market means to business and industry. The Common Market had been inspired by the model of the big market which the United States of America had created long ago. It is obvious that a bigger market is always better than a smaller market. When you want to sell your products the chances for doing so are greater on a big market, and that is why German industry and business have supported the idea of the Common Market, that is why the Common Market has been a stimulus to business and industry both in Germany and France.

That is also the reason why we feel that the British should join. From the political point of view this will introduce an element of stability and I hope and I wish that Britain's accession to the Common Market will

be a step forward in creating a strong Europe and making it a strong member of an Atlantic free trade area. You, in the United States, are about to take the first steps in that direction by initiating a policy which will lead to an ever-increasing measure of liberalization of trade. Once the British will have become a full partner within the Common Market, and once this free trade area with the United States will have come about a fresh Atlantic breeze will blow which can be only helpful and beneficial for the development of our trade. Thank you.

Mr. CELLER. We have with us tonight a distinguished, erudite, articulate, lovable character, Supreme Court Justice Earl Warren. He is ever unafraid, he is a precedent breaker. He knows that which is unorthodox today may become orthodox tomorrow. He is unwilling to be bound by motheaten decisions, if the country today demands new interpretations of old statutes. He realizes that sometimes consistency can be like a stagnant pool that breeds reptiles of the mind. [Applause.]

I now call on a friend of all of us, Maj. Gen. Julius Klein. He will speak briefly and in order that he does speak briefly I tell the story of the preacher who comes to his church with a plaster on his chin. When asked what happened to him, he replied:

"While shaving this morning I concentrated too much on my sermon and cut my chin with my razor."

"Next time concentrate on your chin and cut your sermon," retorted a parishioner.

Julius will now give us a cut speech.

GENERAL KLEIN'S REMARKS

Mr. Chief Justice, our honored guests, Dr. von Brentano and Dr. Pohle, members of the Cabinet and the Senate and House, Mr. Ambassador, and our great friend, Rabbi Gerstenfeld: I had no intention of addressing you. I had no idea that our good friend, Congressman CELLER, would call on me and I appreciate his introductory remarks. As always I shall leave the speechmaking to those who are more qualified and better trained in his field; namely, the Members of Congress. Nobody could do better than those legislators and I suggest that the humorous story just told by that master of anecdotes, the great sage of Congress, EMANUEL CELLER, be remembered by all Members of Congress who are present.

I am assuming the prerogative of speaking in an informal manner, off the cuff. I am very proud, despite the fact that this is a nonpolitical gathering—and, no matter what you say, MANNY, as a Democrat, you all know that I am a member of the Republican Party, the true liberal party.

Dr. von Brentano's ancestors and my ancestors were friends. MANNY CELLER's grandfather and my grandfather both came from the same part of Germany. My grandfather and Lorenz Brentano both came to Chicago in 1848 and worked with Carl Schurz, who, with Lorenz Brentano, organized the Chicago Staatszeitung, Abraham Lincoln's mouthpiece. Lorenz Brentano was one of the founders and first delegates to the Republican Convention which nominated Abraham Lincoln for the Presidency.

I am sure that if Congressman CELLER, the great Democratic partisan, checks the record of his grandfather he will find that those who came to this country from Germany in 1848 with Carl Schurz and Lorenz Brentano, became adherents of Abraham Lincoln's great party, the Republican Party.

MANNY's family chose to remain in Brooklyn, New York, and you know that anything can happen in Brooklyn. Too bad they didn't come to Chicago, too. We could have used MANNY in our own party. So you can see that I am proud to be a Republican. I am proud that these German Jewish immigrants who first came to America branched out to become men of letters, leaders in industry, finance, politics and diplomacy.

It is a pleasure to see our distinguished Chief Justice Warren here with us tonight. It brings back memories of our old friendship. Our Chief Justice was then Governor of his great State of California and exerted a tremendous influence for good throughout the Nation in the political field. Now he occupies the most august position in the land, and the Nation is proud of our Chief Justice.

I see that my good friend, Senator SCOTT, is present. He spoke so brilliantly along with his coleagues, Senators JAVITS and KEATING, on the floor of the Senate yesterday in bringing home to the American people the seriousness of Soviet aggression and their sinister plans to deprive the people of Berlin and Germany of their liberty.

Senator SCOTT and I crossed swords in the 1952 campaign when he was the successful campaign manager at the Republican National Convention working for General Eisenhower, and I was assisting as a delegate from Illinois, in the campaign of the late, beloved and great Robert A. Taft. Senator SCOTT was a great warrior and licked us. Later he helped us to unite the entire party to elect General Eisenhower. He is still the great warrior in Washington for the Nation.

You are honoring today a great statesman, Dr. von Brentano and his friend, Dr. Pohle. I met both gentlemen when I was still in active service, and renewed my acquaintance with them when I carried out the fact-finding mission for the U.S. Senate in Germany.

I am proud to call them my friends and I am grateful that you permitted me to greet and salute them here today. I am also grateful to see here the distinguished great scholar, Ambassador Grewe. Dr. Grewe is one of the great experts in international law. He is noted for his courage not only as a diplomat but also as a public servant. He is beloved and respected here in Washington.

Congressman CELLER has referred to all the other distinguished guests here, but I want you to know I join him in thanking you for being here and showing our friends from Germany that we esteem and respect them and support them in their great fight, which is also our fight—the fight for freedom and survival.

Again, thank you for permitting me to say a few words. I wish our friends from Germany bon voyage, and hope that they will carry back with them to their friends, especially to the great Chancellor of Germany, Konrad Adenauer, the messages of good will and support which were expressed here and on the floor of the Senate and House, at the Army and Navy Club, and at the luncheon which Speaker MCCORMACK gave. We hope that they will take back with them the assurances of our continued friendship.

PEACE OFFICERS' MEMORIAL DAY

Mr. BEALL. Madam President, this being Peace Officers' Memorial Day, I rise to honor the memory of the many policemen and law enforcement officers who have given their lives that we might be secure in our daily lives. I think it is proper on this special day that we should pause in memory of those whose lives were dedicated to maintaining law and order.

As the sponsor of the legislation which established May 15 as Peace Officers' Memorial Day and May 13 to 19 as Police Week, I take special pride in thanking our Nation for joining in this memorial to the law enforcement officers for a job well done.

In times of world crisis, we are apt to forget those soldiers who battle crime and violence here at home. The war in which they are engaged is not subject to disarmament conferences or peace treaties. On the contrary theirs is a war without end.

It is especially important that legislative bodies such as this give full recognition to law enforcement officers, for the laws we enact would be worthless without vigorous enforcement.

To those peace officers who lost their lives in the line of duty and to their families, I pay my deepest respect. To those who continue to safeguard us, I extend my admiration and thanks.

UNEMPLOYMENT RELIEF

Mr. CAPEHART. Madam President, in joining in the request for referral of S. 2965, the public works bill, to the Senate Banking and Currency Committee, I did not intend to impose an unnecessary delay in the Senate's consideration of that portion of the bill which the administration feels is needed for immediate relief of the serious unemployment problem.

I shall urge earliest possible action by the Committee on that portion of the bill which does not jeopardize the Government's commitment to the people of this Nation that their savings would at all times be safe while deposited in an insured institution.

The Senate should have an opportunity to study the proposal made by the Committee on Public Works for meeting the immediate needs of the great unemployment problem, but it is also the duty and obligation of the Senate Banking and Currency Committee to the millions upon millions of people with savings accounts to give very careful consideration to that portion of the bill which would provide standby funds to be used by the President at his sole discretion.

As a member of the Senate Committee on Foreign Relations, I believe that committee should also study the demands in the bill to utilize the borrowing authority of the International Bank for Reconstruction and Development.

None of these moves, Madam President, will necessarily have any damaging effects on whatever the Congress feels is the immediate need for public works to relieve unemployment. The funds designated for that purpose are provided for through proper channels in the existing bill.

NATIONWIDE MASS VACCINE PROGRAM

Mr. LAUSCHE. Madam President, the views of 62 members of the Cincinnati Pediatric Society relative to S. 2910 are expressed in a letter received from Dr. Irvin Dunsky, president of that organization. I ask unanimous consent that the letter be printed in the RECORD.

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

THE CINCINNATI PEDIATRIC SOCIETY,
THE CHILDREN'S HOSPITAL,
Cincinnati, Ohio, April 23, 1962.

Senator FRANK LAUSCHE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The Cincinnati Pediatric Society views with grave concern pending

legislation proposed by the administration that would step between the infant and child, and the doctor entrusted with their care. A Government immunization program that would wrest from the physician the responsibility for the prevention of disease would deny, or seriously compromise, the concurrent supervisory health care that attends such immunization in the doctor's hands.

The high level of medical care rendered infants and children in the United States today is born out of a concept of a private patient-doctor relationship that stresses comprehensive care of the whole child, and not simply part of that child. Prevention of disease by all means known, including immunization, set against a background of a personal and continued vigilance should be the role and the responsibility of the doctor, vested with the total care of the child. It should, likewise, continue to be the privilege of the patient to receive such immunization from his own physician, and not from a bureau of Government.

The Cincinnati Pediatric Society, accordingly, urges your opposition to the Kennedy administration plan to inaugurate a Government sponsored nationwide, mass vaccine program to immunize all children against diphtheria, whooping cough, tetanus,, and polio—regardless of area of need. These diseases have been brought under excellent control by the private physician and do not call for such a mass program of Federal Government intervention. Medical service and immunization facilities are, moreover, available through existing local health agencies in situations where, unfortunately, a private doctor-patient relationship may not exist.

The attached signatures [not included in the RECORD], representing doctors devoted exclusively to the care and welfare of children, look for your aid by voting against the aforementioned Government proposal.

Sincerely yours,

IRVIN DUNSKY, M.D.,
President.

RESETTLEMENT OF CUBAN REFUGEES

Mr. HART. Mr. President, today in Miami the Secretary of Health, Education, and Welfare, Abraham Ribicoff, spoke before the 1962 annual conference of mayors. Mr. Ribicoff administers the Federal program of emergency assistance to Cuban refugees. His address concerns America's response to the growing number of Cubans seeking asylum on our shores, and particularly the need for a greatly accelerated resettlement program.

I commend the Secretary for his pointed remarks which follow the recommendations in the report on Cuban refugees recently issued by the Subcommittee on Refugees and Escapees. I note particularly his stress on the voluntary resettlement of the refugees out of Miami and Dade County, Fla., to other areas of the country. In my book, resettlement offers the best opportunity for the refugees to live reasonably normal and productive lives until conditions develop in Cuba which permit their return to their homeland.

Communities across our land already have welcomed 26,000 refugees from Castro's communism. I am hopeful that additional communities will respond to an accelerated resettlement program. It seems to me that the annual conference of mayors can be an effective vehicle to effect this response. As chairman of the Subcommittee on Refugees and Escapees, I hope the mayors may see value in organizing in their individual communities resettlement committees similar to those formed in the past by many of the State Governors to resettle displaced persons and refugees from Eastern Europe. The machinery to resettle Cuban refugees is there. What we need is more "people participation" in our local communities.

Mr. President, I cannot overemphasize the importance I attach to the resettlement of Cuban refugees. Resettlement will not only help to provide effective asylum to the victims of Castro's tyranny, but it will demonstrate to the world the vitality of our democratic society, and the fact that we stand with our friends. America is judged, in part, by its reception of those who come to our shores seeking asylum. If we who enjoy the many blessings of liberty cannot cheerfully make a place for the refugees from Cuba, then we have abandoned our traditions and ideals, and forgotten our origins. We can demonstrate this is not the case by giving effective asylum to Cuban refugees.

Mr. President, Mr. Ribicoff's address is one in which all of us will be interested and I ask unanimous consent that it be printed at this point in the RECORD.

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

ADDRESS BY HON. ABRAHAM RIBICOFF, SECRETARY OF HEALTH, EDUCATION, AND WELFARE

I come before you mayors of the United States today to ask your help. I come before you to give you the opportunity to help your country and to aid the cause of freemen everywhere.

The United States is now faced with a great and urgent problem—that of resettling the largest number of refugees in our history. But the United States is now given an opportunity—that of giving a fair and even break to a people of great courage, a people who have had the guts to give their all for freedom—the Cuban refugees.

There are now approximately 70,000 Cuban refugees here in Dade County, Fla.; 26,000 have been resettled in other parts of the Nation. More are arriving at the rate of 1,800 a week. A little over 600 per week are now being resettled. Eighteen hundred refugees a week is not a large number for the United States to receive. It is a very large number for one city to receive.

As long as the number of refugees in the Miami area continues to increase by more than a thousand each week, Miami will have difficulty giving them the sort of hospitality we all want and need to give them. There will not be enough jobs for them; they will have trouble finding places to live; many of them will have to depend on public funds for support.

We must increase the number being resettled from 600 to 2,000 a week. We need your help to do it. As President Kennedy said last week, all the residents of our Nation must help in the orderly settlement of Cuban refugees. Together we can work to frustrate the evil of Castro's Cuba.

When Hungarian men and women and children sought refuge from communism on our shores, between 1956–58, no one suggested that they all stay in New Jersey. Our cities across the land welcomed these foes of tyranny—and helped them. But there were only 38,000 of them in a 2-year period.

Already there are nearly twice that number of Cuban refugees in the Miami area alone, and they still come at an ever-increasing rate. No advance notice, no arrangements, just a mass of heroic, proud, bewildered, wonderful people who once had jobs, homes, money, a country of their own—who now have nothing.

When they leave Miami and go to other cities and towns in the United States, they nearly always find jobs, find places to live, and make a real contribution to community life.

In the end, then, they help us. And we must help them—not only because they contribute to our life together, or because our reputation in the eyes of the free world would otherwise be tarnished, but because it is right to do so. So we must ask other cities to receive some of these Cuban exiles. Resettlement is at the heart of our program for them.

Let me pay warm tribute to the people of Florida, and especially to the people of Dade County and the city of Miami. Mayor Robert King High of Miami, spearheaded this city's program of help to Cubans long before the Federal Refugee Center came into being. For many months public and private agencies in Florida and Miami bore almost all the burden of assistance to the Cubans; even today they carry a large part of the load. They have been receiving a gradually increasing amount of help from other cities and from the Federal Government. But it is not enough.

Early in 1961 President Kennedy asked me to study the situation of the Cuban refugees. With some of my associates I came to Miami and made an on-the-spot investigation which led to a recommendation for a comprehensive program of aid and service.

President Kennedy then asked me to take charge of the administration of the Federal program of emergency assistance to Cuban refugees. The program obviously had to combine the work of many different Federal agencies. Funds to support it were allocated from contingency funds available to the President through the Agency for International Development. We welcomed this responsibility. And we have moved to meet it.

It had already been established that the Cuban refugees would be treated as guests, would be granted the shelter of the United States for an indefinite period of time, would be permitted to work and earn a living, and that assistance would be available to assure the necessities of life for those in need. The heavy burden of financial assistance to the needy refugees, which was at first undertaken by private voluntary agencies and the State of Florida, with only limited Federal assistance, was given firm support by the Federal Government. Additional assistance was given to the Florida schools, so that they could teach large numbers of refugee children.

One of the first steps we took was to enlarge the Cuban Emergency Refugee Center in Miami. The center is the headquarters for identifying and registering Cuban refugees. There we interview them, give them identification cards, check their health, and start work to provide assistance for those who need it. Most of these arriving now do need help. They are permitted to bring practically nothing out of Cuba.

At the front line of resettlement are four voluntary agencies, each of which has had many years of worldwide experience with refugees. Three of these are religious organizations: The Catholic Relief Services, the Church World Service, which is Protestant, and the United HIAS Services. The fourth is the nonsectarian International Rescue Committee.

These agencies, with their local affiliates across the Nation, handle the actual resettlement of Cuban refugees by methods worked out through long experience. These include careful selection of a destination for the refugee family, the location of sponsors to give them personal help in getting settled, a great deal of careful planning with the refugees and their sponsors, much counseling, and perhaps a long period of working with a refugee family as it develops roots in its new home.

These methods continue to be followed whenever possible. But under the pressure of steadily growing numbers of refugees in the Miami area, the voluntary agencies are speeding their work in many ways.

Reports about the 25,000 refugees already resettled outside Miami are good. From the Cubans we hear about their new jobs, their new friends, and their new employers. From the officials of the new home communities, we hear about the Cubans: They are a serious and earnest people, determined to adjust to our ways and support themselves here until they can return to their homeland. As you have probably read in the newspapers, some have even paid back the public assistance money they have received.

We have records of the resettlement of Cuban refugees in more than 600 cities and towns in the United States. In only 15 or 16 of these cities, however, have more than 100 refugees been settled. This means that the number that need to be resettled in any one city is not large.

What we need now is more assistance in this program from a greater number of cities. It is in the interest of the entire country that more cities receive more Cuban refugees. We ask your help, as mayors of the cities of the United States, in getting this done.

Now, how can a mayor act on behalf of the refugees? There must be dozens of ways, and no one is better qualified to select the right ones than the mayor himself.

One method mentioned by most of the mayors we have talked with is the mayor's committee, with a broad base of community representation. We have been told many times that a committee which includes representatives of religious groups, labor, management, veterans, service clubs, and fraternal organizations can, not only inform the community and prepare the way for a friendly reception of refugees but can also provide job opportunities and locate acceptable living quarters.

You already have support from many key groups in your own cities, and this support is growing.

You may find, for example, that the Lions Clubs and the junior chambers of commerce in your cities are now taking an active interest in resettlement of refugees. Jaycee units are already active in refugee work, and they have helped in resettling many Cuban families. Rotary is coming into the picture.

The voluntary organizations which are doing the actual work of helping the refugees to reach their destination, to find jobs and a place to live, have associates wherever there are Catholic, Protestant, or Jewish religious groups, or representatives of the International Rescue Committee. If you organize a mayor's committee on Cuban refugees, as I hope you will, you will find the representatives of these organizations already on the job. A mayor's committee, representing all the people of your city, can help them do more—better, faster. To help them do more—better, faster. This is our goal. To reach it, I am happy to announce today that we are stepping up our efforts toward resettlement. The program to help you leaders of our Nation's cities meet your responsibilities to the Cuban refugees includes the following 10 points:

1. The Federal Government pays the cost of transportation from Miami to the place of resettlement.

2. The Federal Government has pledged that it will pay the cost of transportation of the refugees back to Miami in the event that it becomes possible for them to return to Cuba.

3. The Federal Government assures the community receiving the Cubans that, if the resettlement is unsuccessful, they will not become charges of the new community. The Federal Government pays the costs of assistance to them in Miami and undertakes to pay for any public assistance that is required in the new community—and there have been very few cases in which this has been necessary.

4. The Federal Government, under agreement with the voluntary agencies, contributes a per capita amount in connection with the work of resettlement.

5. The U.S. Employment Service provides special employment services at the refugee center and across the Nation. Most of the Cubans are interviewed by expert employment service people to make sure that the refugees sent to a particular city have work skills in demand there or likely to be in demand. Reports of these interviews are available to employers across the country who are looking for workers. Even in areas hit by high unemployment, selective, useful placements are made in the case of refugees with skills in short supply—physicians, teachers, and so forth.

6. We are providing many kinds of training and counseling services to the Cubans. Instruction in the English language is needed by some but by no means all of them. Some professional people need only a little special training to enable them to practice their profession competently in new surroundings; others need more extensive educational or vocational services. We are making every effort to meet their training needs, in order that they may become productive and self-supporting members of our economy as soon as possible.

7. Every effort is being made to make public housing available as needed. The Public Housing Administration has informed me that there are no Federal restrictions which bar public housing to low-income Cuban refugee families. Public Housing Commissioner Marie McGuire has agreed to seek the cooperation of local officials in making this housing available, including, where necessary, waivers of local provisions of residency and other requirements to the extent possible under State laws. You, of course, can help greatly in this effort.

8. Beginning July 1, the Refugee Center will be in much larger quarters. This will greatly facilitate the early stages of resettlement work. In addition, a larger staff will be available for this work.

9. We shall put greater emphasis on resettlement by providing additional Federal staff for resettlement work and for the building of additional public support for the effort. For example, we want to improve understanding of the problem, on the part of both the Cubans and the citizens of the United States.

10. I have today approved a transition assistance allowance of 1 month's additional payment of up to $100 a family for those receiving public assistance in Miami who are willing to go to other cities.

Many Cubans say they want to stay in Miami so that they can get back to Cuba quickly when the time comes. We are explaining to them that even if they go to Los Angeles, for example, at the invitation of Mayor Yorty, they will still be only a few hours from Miami and that the U.S. Government will get them back there promptly, as soon as it is possible for them to return to Cuba. We will explain to others of them that Mayor Naftalin's Minneapolis is not under 6 feet of snow 11 months of the year and that Minneapolis is really a delightful place in which to live.

And we hope to improve the understanding that citizens of the United States have about the refugees, too. We want to tell them who the Cuban refugees are, why they are here, what their skills and abilities are.

I hope all of you will visit our exhibit in the lobby. This is the first of a number of exhibits which we are preparing for the use of the Cuban Refugee Center and the voluntary agencies which are handling the resettlements. These exhibits will be used at conventions and meetings in many cities—at conferences and conventions throughout the country.

We are working on a 15-minute film which will be available to all the organizations interested in helping to resettle Cubans. It will soon be available for showings in your city.

We shall have available for the use of local chapters of voluntary agencies, service clubs, mayors' committees a basic supply of booklets, radio and television materials, photographs, and newspaper and magazine materials. The Advertising Council has listed the Cuban refugee program in its radio-TV bulletin for May and June.

The refugees from our unhappy neighbor Cuba had to make a choice. The choice was a desperate one: Their jobs, their homes, their property, their friends—or freedom. They chose freedom.

Now you must make a choice. It is much easier: Either you shrug off the Cuban refugees or you can lend assistance to them and assurance to their cause—and to your country's. I have every confidence in your decision.

Mr. MANSFIELD. Madam President, is there further morning business?

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

ALTERNATIVES TO WITHHOLDING ON DIVIDENDS AND INTEREST

Mr. JAVITS. Madam President, at his news conference last week, President Kennedy was deeply exercised about what he considered to be an untruthful campaign against his plan to withhold tax on dividends and interest. Certainly some of the literature on this matter has been inaccurate, but this controversial legislative proposal is hardly defensible on that ground, for it fails to meet the test of practicality. As I see the question, this is the acid test.

Secretary of the Treasury Dillon's revised proposals on the dividend and interest withholding tax provisions are concessions, to be sure. But they serve to reenforce the serious doubts held by me and many others concerning the application of the withholding system to this kind of income.

Secretary Dillon's two major concessions—the first, permitting exemption certificates to stand until changed by the taxpayer, as under the present wage withholding system; and the second, extending exemption from dividend withholding to nonprofit organizations—are among the suggestions made by witnesses, including myself, at the hearings held by the Senate Finance Committee. But these suggestions were made only to cover the eventuality that the Treasury would persist in its adherence to withholding. Nothing that has been said since then removes the major questions raised about the equity and practicality of the withholding provisions themselves.

First. Analyses show that more than 80 percent of interest payments are made to accounts receiving $50 or more annually in interest—less than 20 percent of the total number of accounts. Is it wise to throw a net of inconvenience over 55 million savings-account, Christmas-club, and other account holders, for the purpose of catching that fraction of a small minority which is responsible for most of the estimated $370 million in tax revenue recoverable from interest payments?

Second. In May of 1961 the Treasury testified that 90 percent of dividend income is now reported, but a scientific survey by Internal Revenue revealed a few months later that this might well be raised to 95 percent. Is it wise to subject 12 to 14 million stockholders and thousands of banks and other payors of dividends to a complex system of collection in order to bring in revenue which could turn out to be only one-half of the $280 million Treasury estimate of recoverable tax which was based on the 90-percent reporting figure?

Third. Even if the Treasury's estimates of $650 million—or somewhat more, according to the most recent projections—in revenue recoverable through withholding of interest and dividend income are fairly accurate, this would still account for less than 1 percent of the total revenue of $78 billion to be collected through corporate and individual income taxes in fiscal 1963—$40 billion of which would be from individual withholding. Is it wise to institute a system as comprehensive in scope as our present wage and salary withholding system—for it would include not only the 55 million interest recipients but also 12 to 14 million stockholders plus millions of others—for the purpose of collecting such a small percentage of revenue from income?

Fourth. The Commissioner of Internal Revenue himself estimates that $200 million of the unpaid revenue would now be collected if automatic data processing were in effect. It will be in full effect within 4 years. It is believed that the $180 million in revenue which the Treasury attributes to the expected psychological effect of a withholding system on upper income bracket tax evaders alone will be collected as well under an adequately publicized automatic data processing system. Thus, a large part of the Treasury estimate of $650 million in recoverable revenue appears to be recoverable through means now being instituted anyhow. It should be noted that neither the Treasury estimates nor the others here cited take into full account the effect of the educational campaign launched by the banking institutions, in cooperation with the Treasury, to make interest and dividend recipients aware of their tax obligations. Is it wise to begin now a system with complex and comprehensive implications for most of our taxpaying citizens and for thousands of our banks and other financial institutions, on the basis of speculative estimates of revenue gain, when much of this revenue can be expected as the result of procedures recently instituted?

In raising these questions, I do not mean to imply that useful measures to assure full and equitable tax collection should not be taken. I suggest that much can be done to make the new procedure of automatic data processing and the educational campaign more effective. I propose the following alternatives to withholding:

First. Require payors of interest to report to the Treasury annual payments of interest of $50 or more—instead of the present $600—with the recipient's tax number, and to send a duplicate of this report to the recipient with a clear notice that the amount reported is subject to taxation; and provide for reducing this figure to a minimum of $10, by regulation, if experience shows that there is a materially increased splitting of accounts.

Second. Require the same procedure of payors of dividends of $10 or more—all of whom are already sending reports for such amounts to the Treasury but not to the recipient.

Third. Require the taxpayer to answer "Yes" or "No" on the income tax return to the questions: "Do you have a savings account?" and "Do you own stock in a corporation?" and, if the answer is yes, to annex to the income tax return a copy of the report sent by the payor.

I respectfully submit, Madam President, if these things are done there is every likelihood we shall achieve the same good results now achieved with respect to dividends of $10 or more.

Madam President, reaction to the tax proposal in the country has been widespread, largely on the ground of its practicality. There is no question of morality involved. The taxes are admittedly due. It seems to me that the members of the committee and we in the Senate should address our best judgment to the issue of practicality, and it is in that spirit I have made these suggestions.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 1361) for the relief of James M. Norman.

AMENDMENT TO AGRICULTURAL ACT OF 1956

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of Calendar No. 1304, H.R. 10788, to amend section 204 of the Agricultural Act of 1956.

Mr. JAVITS obtained the floor.

Mr. MANSFIELD. Madam President, will the Senator yield to me, without losing his right to the floor?

Mr. JAVITS. I yield.

Mr. MANSFIELD. Madam President, I suggest the absence of a quorum, with the proviso that the Senator from New York will not lose his right to the floor by my so doing.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JAVITS. I believe the Senate has a right to ask Senators like myself who are engaged in the present phase of our debate as to the reason for it. Notwithstanding defeat on two cloture motions, why have we now determined that it is important to debate the issues on the motion to displace the pending business with a new bill, which is, as everyone knows, by no means earth-shaking in its consequences? I should like to deal with that particular question first. It is a fact that a number of us have felt deeply moved to explain our position to the country, and to take a couple of days to do so.

Madam President, the struggle has now developed under two headings. First is the use of the filibuster as a weapon and of the means for meeting it, on the part of the Senate, not only in the present instance, but also in other situations, whether they involve civil rights measures or other kinds of law. Though the present debate has not had the attention which many of us may have wished it had, nonetheless it is a fact that will be borne in on the country because what is said here has a place in history and in the development of our public affairs.

The importance of what has been done here, and its very serious implications to our Nation, will, I believe, be borne in. I make the prediction that the events which have occurred here within the past two or three weeks are a part of the major developments which will mark the end of the power of the filibuster over proposed legislation which is very great in this Chamber. I believe that second thoughts—and there will be many—as well as the campaign of 1962, in which I have no doubt whatever the issue will be raised, and raised very strongly in terms of the individual positions taken by individual Senators, will have a material effect upon the reform of rule XXII in order to make it more congenial to the urgent needs of our Nation than it is today.

Individual Senators may, as is their right, decide whatever they choose to do about a cloture motion, and whatever criteria they decide in their minds they wish to use in measuring what ought to be their own positions in the Senate Chamber. That is entirely right and proper. We must also remember that the question will be out in the area of public debate next August, September, and October. I believe the debate will be salutary and helpful. It may not be quite as easy to explain in August, September, and October what was done here in April and May with respect to the ability of the Senate to control its own

procedures and at long last to give itself the opportunity to vote.

The other point which induces us to discuss this matter in terms of the Nation is the necessity of emphasizing the critical importance of action by Congress on civil rights.

Here, Madam President, whatever may be said about the record on this side of the aisle on the cloture votes—and I am not particularly proud of those votes, especially in view of the fact that the measure which is before the Senate is practically taken literally out of the Republican national platform of 1960—I believe this whole situation also reflects a feeling of unwillingness by the President to come to Congress for all of the year 1961 with any proposal on civil rights, notwithstanding his very strong campaign pledges on that score.

When he did at last come to Congress with a proposal, he came with a proposal in more than safe areas, to wit, the voting areas, which it is generally agreed deserve attention; and he came with measures which even the most ardent civil rights proponents do not consider as very important. Indeed, the only avails, from present indications, which will be shown in this particular field will be a constitutional amendment eliminating poll taxes, which still must run the gamut of approval by the other body and approval by the States. Even the House has not yet approved that proposal.

Madam President, if we are going to ask for something, if we are going to fight for something, we might as well fight for something that is really substantial.

I can well understand the attitude now in the Senate, "Well, if this is all we are fighting about, what is the use of getting all embroiled in that?" That is true particularly in view of the arguments that were made, and very sincerely made, I am convinced, even by so distinguished and devoted an advocate of civil rights as the Senator from Kentucky [Mr. COOPER], with respect to the constitutionality of the measure which was before the Senate. I am convinced it is a constitutional measure, but those of us on this side of the aisle were nonetheless under the embarrassment of fighting about things which were not of prime importance.

The second lesson which the civil rights forces must learn from this debate is that if we are going to have civil rights legislation enacted in Congress, let us make it civil rights legislation which is meaningful. If we are going to be defeated, we might as well be defeated on something that is really important and significant, not on something which does not have the first rank in that regard.

It seems to me that that is much more conducive to getting the case to the country and much more conducive to the dignity of Congress.

What is significant in this field, Madam President? For one, there are some very crying needs in this country. Let us take one of them. Let us consider public school desegregation, which is proceeding at a snail's pace, and which in many States is not getting anywhere at all, largely because the Attorney General is not starting any suits in that area. That situation has been shoved aside; yet it is the most burning issue of all in this field.

In order to enact effective legislation in that area, we would have to enact what is considered properly, I believe, the most meaningful civil rights legislation of any. It consists of giving authority to the Attorney General to start a suit in any representative civil rights case which in his judgment he should start. I refer to an original suit in the case of public school desegregation. There is no question about the constitutionality of that type of enactment. Such a provision in the voting field has been fully sustained very recently in the Raines case, in which the Supreme Court sustained the constitutionality of the 1957 Civil Rights Act. As a matter of fact, this very technique is incorporated in both the 1957 and 1960 acts, which have so far withstood the test of constitutionality. Here is an accepted technique which is entirely within the text of American practice. That very same technique was adopted by Congress in legislation in this field in the last 5 years, with no question of constitutionality successfully raised about it, and is considered by civil rights advocates as the most important single piece of legislation in the whole field.

I feel, and I shall act accordingly, that if we are going to have any civil rights legislation, we should have enacted the measure I have described, which is called part III. Senators who favor civil rights legislation had better dedicate themselves to fighting for that measure as the prime, significant measure which is worthy of action in this field.

There are other measures far more appealing, if not more important. I refer to the field of hospitals. Funds may still be made available, under the Hill-Burton Act, for hospital construction where separate but equal facilities are maintained—that is, separate facilities for Negroes and whites. In the field of hospital construction and in the medical training field we find a situation which is riddled with a continuation of segregation. So, Madam President, we have many instances brought up in this Chamber itself.

Here is a very clear case for the administration to do something; yet the administration is doing nothing about it. Instead, it has proceeded—even though without success so far—in the perfectly safe area of voting.

Another measure that commends itself very highly is the putting of a statutory base under the committee relating to Government contracts. We have not heard the administration doing or saying anything about that. There has been some controversy over the question whether it is getting anywhere through the maintenance of contracting officers and contracting agencies. I believe that Vice President JOHNSON and the people who are on that job are trying; but, Madam President, I feel that is the very least area in which there should be nondiscrimination, namely, employment opportunity where Government money is involved. Congress should back that up with a statutory base which will give it much more authority and power, and the administration should ask for it. Again, here is another important measure in a field which is not now being touched in terms of legislation.

There are other measures, such as requiring school desegregation plans to be filed and giving technical assistance to school districts seeking to desegregate; and the whole complex of discrimination in employment on account of race, creed, or color, quite apart from Government employment itself.

That is the essence of the matter. I should like to repeat the two points I am making, which are the whole reason, as I see it, for our undertaking the debate on a motion to displace a piece of proposed legislation. By the votes which counted, the cloture votes, rather than the vote that I think did not count for nearly so much, the vote on the motion to table, the Senate has very clearly indicated it is not particularly interested in passing the measure at this session of Congress.

Getting down to the two points: First, this is the opening skirmish in the effort which will be consummated next January, and which the country should debate and consider as the major issue of the 1962 political campaign; namely, the revision of rule XXII. The Senate must be enabled to deal with a filibuster, which today either throttles or emasculates proposed legislation, certainly in the civil rights field, and in many other fields as well, and is certainly not the will of the majority.

The second point: If we expect to deal with civil rights legislation, this experience teaches that we had better deal with important, meaningful civil rights legislation, and not get fouled up and bogged down on matters which are just as complicated and difficult; and which, even if we can get them called up, are not nearly so consequential in the whole civil rights struggle as those which I have mentioned—and I feel certain I have by no means exhausted the list.

If the country becomes aware of extended debate, and by the mere presentation of the case through the attention which our speeches get, and through the activities of organizations in this and related fields, through the normal debate of political controversy, then I think a very useful purpose will have been served in the Senate. But there is no question in my mind that the results which we have seen on this subject would be very different if the country were aroused.

The answer is that no matter how deeply I feel or other Senators may feel about this question, both in moral and in constitutional terms, and in other terms, no matter how we feel about the very hardheaded and deleterious impact of these votes upon our position in the world, in terms of our ability to command the alliances and allegiances which are indispensable to success in the struggle for freedom—whatever I and some others may think about that, the fact is that the American people

have not been too conscious of the situation and have not been sufficiently exercised so that their representatives in Congress may feel the impact and act in a definitive way. Until they do, in the manner of our society, there is very little likelihood that anything really tangible or important will actually happen. So, since this is to be the campaign season, when all these issues are debated and discussed, now is the time when this question should be brought up and the country brought to focus upon it.

It is amazing to many of us who are active in this field how we can, with such complacency, almost blindness, accept the existing situation in this field. It is frequently said that societies get notice if they would only pay attention to conditions. We have already had, for a number of years, scenes of violence in this field. People have been hurt. Communities have been brought to a condition of great disorder. The normal life of communities has been paralyzed. Schools in Virginia still remain closed to this very day to avoid the desegregation decision of the Supreme Court of the United States. There have been questionable practices under our laws; whether violations of the laws or not is for another day and another argument. In many ways, those practices involve what might be called, under one particular heading, tacit resistance with deep feelings involved.

There have been charges of great violence—even killings—under the general umbrella of the strains and tensions created by the relations between the races. We have seen inhumane practices develop, like the shipment of Negroes by the White Citizens Council of New Orleans to New York and other places, a movement which failed, of course, and came to nothing, but which was quite indicative of the low degree to which practices could sink in such a very serious and dangerous situation. This condition will not be cured or helped by letting it stand still or by doing nothing about it or by not providing some opportunity for redress in law. All human history demonstrates that all such action does is to exacerbate and ultimately consume in its own fury.

Without in any way challenging the sincere views deeply held by some Senators, who say, "Just let things alone, and we will take care of them," I deeply feel that we are running tremendous national risks in this situation, because of our failure to act: By foot dragging in respect of civil rights legislation can prove to be extremely dangerous and highly expensive in national terms. We are dealing with highly explosive problems affecting enormous masses of people. Ten percent of the population of the United States is comprised of Negroes alone. Many of our big cities, like the city of New York, have extremely large populations which are Negro. It is estimated that there are 1 million Negroes in New York City alone. Naturally, the people of the city of New York welcome them as fine citizens. We are trying to work with them, and they with us; but let us remember that a dangerous situation exists in our society, about which we must be solicitous and wary. Nonetheless, it is thought—I do not know how, I do not know by what scheme or idea—that if we let the problem alone and do not do anything about it, it will disappear, go away, or work itself out; or that millions of people will migrate out of the South to other places in the United States. Of course, they have their problems too, as we all know. This is really an ostrichlike attitude.

I have yet to hear from some of the Members of this body who have great intellectual power, who contend very strongly against measures such as I am recommending today, and I await with great interest their comments. What is their prescription for the dynamism and the drive which is apparent in the country today, and the unwillingness to accept conditions which our friends may feel are quite satisfactory, in social terms, to their communities, but which apparently are unsatisfactory to a tremendous number of people in those communities? I respectfully submit that it is begging the question to say that if the question were not discussed, those people would not get these ideas. Where do the savages in the forests of Africa get these ideas? Where do all other people who are today demanding self-determination, freedom, equal opportunity, and personal dignity get such ideas? They get them because the ideas are abroad in the world, and the people will not be stopped by the fact that we refuse to discuss or act upon them in the U.S. Senate. On the contrary, we will run a great national danger if we do not heed the problem. We will exacerbate relations between people in our own country to an exceedingly dangerous degree.

We cannot, any more than we can stop the tide, fail to deal with these subjects. Indeed, the breaking of the old matrixes in the South itself is a pretty clear indication that we cannot stand still. So long as we cannot stand still, we had better take some control over events ourselves, before they take control over us.

It is for those reasons that those of us who think as I do have made this presentation on the floor of the Senate, notwithstanding the fact that, as we all understand only too well, the actual debate upon this question in terms of any hopeful development and in respect of getting the bill passed is probably behind us.

While we are on that subject, let us understand that nobody is kidding anybody about the votes on the literacy bill. The cloture votes represented a killing of the measure which is before the Senate. In my opinion, that will be developed whenever the matter becomes an issue. That does not mean that Senators who voted that way are right or wrong; it merely means that this is the issue; that it cannot be confused by the fact that Senators thought there ought to have been more time for debate, or do not like the idea of having clotures anyhow, or that they may feel the country should be further enlightened on this question, et cetera.

The payoff is that when the second cloture vote was taken, the leadership took it for what it meant, without any question—in other words, that it meant the killing of the pending bill—and immediately moved to displace it with other business.

I do not think it is an answer, either, to say that the filibuster was a leisurely one. I think that even if the filibuster had been conducted in a very hurried fashion, the result would have been the same.

The question is, What was the sentiment of the Senate? The necessary sentiment of the Senate was lacking; and for that, there is only one answer: debate in the country and an aroused public opinion.

I believe it also very important, for those who believe as I do, to make a summation on the proposition that the bill is both necessary and constitutional.

Madam President, I am disturbed by the challenge to the constitutionality of the bill. I believe it is constitutional, and I would not wish to let the matter go as it now stands without making my own concluding arguments in regard to its constitutionality. I respect some of the opinion to the effect that the bill is unconstitutional; so I should like to say a few words on that score.

It seems to me that one of the most interesting aspects of the question of constitutionality was developed in quite a peripheral case; and I should like to call the attention of the Senate to the *Garner* case, 368 U.S. 157—a fairly recent case—in which Mr. Justice Harlan, in a concurring opinion, said, at page 195:

> This Court has many times taken judicial notice of well-known economic and social facts.

Madam President, it seems to me that that is the very essence of this debate: Shall we or shall we not take legislative notice of well-known social facts?

The social facts are that even if the U.S. Civil Rights Commission had not found—although it did find—that there is widespread abuse of literacy tests in broad areas of the country, with the result that they are used to deny, rather than to grant, people the right to vote, that fact is fundamental to the entire debate on constitutionality. I do not believe that in the absence of such a factual base, Congress could appropriately legislate in the way we have contemplated, by means of this measure.

However, in all the debate in regard to constitutionality, I have found a studied desire, on the part of those who argue that the proposed statute is unconstitutional, to avoid debate in regard to the factual base.

I can understand why they would avoid it; but I submit that during the debate no issue on the question of constitutionality was joined. It is not in point to affirm that the States have the right to establish the qualifications of electors for the most numerous branch of the State legislatures. It is not in point to affirm that the 17th amendment contained the same provision and applied it to the direct election of Senators, thereby seeking to show some intention that that represented a superior enactment, being later in time, to the 14th and the 15th amendments. That is not joining the issue.

The issue is joined only if, as I have heard lawyers argue a hundred times in

the Supreme Court, one is willing to say, "For the sake of this debate, I will concede your factual premise that thousands upon thousands of Negroes are denied the right to vote by the use of literacy tests, legal on their face; and upon that premise I argue that the proposed statute is unconstitutional." That would be joining the issue. But that has not happened in this debate.

So, Madam President, in my view the issue in regard to constitutionality has not been joined, because the factual premise has not been questioned, nor has the constitutionality of the proposed statute, based upon that factual premise, been challenged.

I have heard the distinguished Senator from Georgia [Mr. RUSSELL] state, in his very eloquent way, "No one has challenged the fairness of the Southern courts." Of course, Madam President, no lawyer in his right mind would challenge the fairness of any court, unless he had very good evidence to prove it, no matter how wrong he might think the court was as regards procedure or legal decisions. But that is very different from my statement that no Senator who opposes this measure has met the factual challenge. In other words, no Senator who opposes the bill has denied in any way that thousands upon thousands of Americans are disenfranchised by the abuse of the literacy-test technique. Of course that fact was found by the U.S. Civil Rights Commission.

I believe that when a remedy is so urgently called for in regard to so elementary a matter as voting—about which all have agreed that there should be the greatest solicitude on the part of the Congress and the Nation—and when a remedy is so obviously needed, we should be working to find a remedy, rather than merely saying "The one now proposed is no good, for it is unconstitutional; so throw it out the window and forget it."

The Senator from Kentucky [Mr. COOPER] felt, in good conscience—because he is a man of conscience—that because he opposed the pending measure on the ground of lack of constitutionality, he was obliged to propose an alternative; and I know he believes that there is a crying need for a remedy for the existing wrong.

So he proposed a measure of his own. However, that attitude was not taken by a majority of the Senators who voted against invoking cloture; and I submit that during all the debate on constitutionality, there never was a time when the issue on the factual base was joined—although the factual base is the very essence, in my view, for the belief that the measure is constitutional.

Madam President, once there is agreement on the postulate that there is a factual situation which requires congressional attention, then we are remanded to two questions: First, is there existing law adequate to cope with the situation; second, can we design a measure to deal with it which will fall within the ambit of the Constitution?

In regard to the first question—namely, is there existing law adequate to cope with the situation?—I agree that there has been considerable debate on that point. But, again, the debate has been postulated on the proposition that there is a capability for enforcing the law, provided all the lawyers in the Department of Justice and probably all their appropriation were used, and provided that the time of all the courts in the South were taken in order to prosecute these cases.

Let me state some concept of what is involved in this regard, because it is very interesting and very illuminating in connection with our consideration of this subject. A description is made of one case by the Attorney General of the United States. The case started on August 11, 1960. It is the case of United States against Theron C. Lynd, voting registrar of Forrest County, Miss.

On August 11, 1960, the Attorney General requested Mr. Lynd to make the registration records of the county available for inspection, under title III of the Civil Rights Act of 1960.

He failed to honor the request of the Attorney General of the United States, and so on January 19, 1961, the Department of Justice filed an enforcement proceeding in the U.S. District Court for the Southern District of Mississippi to require production of the records.

Six months later, on July 6, 1961, the records were still not produced, and the Attorney General brought suit, under the Civil Rights Acts of 1957 and 1960, to enjoin Mr. Lynd from discriminatory practices against Negro voters. He also moved to examine the voting record.

On August 14, 1961, only 7 months after the case was filed, a hearing was held on a procedural motion, and was adjourned without decision.

On September 25, 1961, the court in Mississippi ordered the Government to give more details of its suit, including the name of each Negro who had been refused the right to register, the dates involved in any discriminatory mishandling of any Negro registration applications, the names of white persons allowed to register who possessed no better qualifications than Negroes denied the same privilege, and other facts and circumstances showing discrimination in each instance.

Subsequently the court barred any incidents of discrimination which occurred before February 26, 1959, when this particular registrar took office, and as a result about half of the cases which had been included were thrown out.

The Government also attempted to get these registration records by serving subpenas on the defendant, and in both cases the subpenas were quashed by the court.

This case started on August 11, 1960. After all these court proceedings, which I think anyone can appreciate take an unbelievable amount of time, effort, and energy on the part of the Department of Justice, we are now down to February 16, 1962, when the court made another procedural ruling adverse to the Government.

Finally, on March 5, 1962, in round figures a year and 7 months after the case was first started, the injunction case came on for trial. Mind you, Madam President, the object was to secure the right to vote for someone, what we expected when we passed the Civil Rights Acts would really be fast action. Even by then the Government had not yet obtained the possession of any of the records upon which it was going to try the case. Nonetheless, the court ordered some records, which were admittedly in court, to be produced, but made various other procedural rulings which created considerable difficulty for the Government.

In any case, at the end of trial, on March 7, 1962, the court refused to grant the requested temporary injunction, and the Government appealed.

We now come to the date of April 10, 1962, a year and 8 months after the case was started. The Court of Appeals for the Fifth Circuit granted the Government's motion for an injunction against the registrar pending disposition of the appeal on the merits, and enjoined the registrar from administering the constitutional interpretation test to Negro applicants by including as sections to be read and interpreted any sections other than those which at the time of the trial had been used for white applicants.

We come down to April 30, 1962, almost a year and 9 months after the original case was started. The Government has brought and continued action against Mr. Lynd for violation of the order of the Circuit Court of Appeals. And the Government is right back in the District Court of Mississippi trying to make its contempt citation good.

That is where we are today, Mr. President. That is just one case—a typical case.

Among the Negroes that Mr. Lynd rejected for alleged failure to read or interpret a section of the State constitution were five college graduates, one of whom had been awarded a National Science Foundation scholarship to Cornell. That was the caliber of applicant for registration Mr. Lynd refused to register.

Let us take another case, because these are all very interesting and very important. I have a letter from a family in Alabama. Apparently one member of this family had been a voter in New York and therefore knows me. When the wife and the family went to register, the registrar demanded that she produce her marriage certificate and the birth certificate of her first child. These were not questions on the application form or in any way required to be answered, but she had to answer them.

In view of the fact that she would not do it, she was not registered, and the people who write me say they do not plan to go to court because they do not think it is right to spend a lot of money to obtain one of the basic American rights, the right to vote.

I have a telegram which came to me just yesterday, which I would like to read into the RECORD. It is addressed to me, signed by Roy Wilkins, executive director of the National Association for the Advancement of the Colored People, and reads as follows:

We sent the following telegram May 11 to Senators SAM J. ERVIN, JR., and B. EVERETT JORDAN, of North Carolina:

"Our office was informed by our State secretary in North Carolina that the secretary of the Central Cape Fear branch of the

NAACP has reported that Negro applicants to register and vote in Bladen County are being required by registration officials to read the entire State constitution in order to qualify. In view of the opposition to the literacy test bill in the Senate and the vehement assertions that such tests should be left to the States we inquire whether the reported requirement in Bladen County, N.C., is regarded by you and other opponents of the Senate bill as a reasonable and fair test for eligibility of a citizen to vote and as acceptable evidence that the Federal Government should not set an objective standard for so-called literacy test for voters.

"ROY WILKINS."

So blatant is the case right here in the United States that I have before me a register of payers of the poll tax, which is a prerequisite for voting, in Victoria, Va., dated May 24, 1961, certified by A. S. Bridgeforth, Jr., treasurer of Lunenburg County, Va. An examination of this document, which any Senator is welcome to examine, shows that the voters in the respective districts of Lunenburg County are listed under the headings "Colored" and "White."

This is not before, this is after the Civil War. What kind of a society are we living in which will tolerate this and yet shut its eyes to the need for any remedy? It seems to me that that case has certainly been proved beyond peradventure.

One other point of fact on the question of difficulty of proof in cases of this character. We have a case in Montgomery, Ala., which involved a performance test, a subjective test, as a test for registering to vote, which is so often used as a basis for discrimination against voters in the so-called 100 black counties where the population of Negroes is close to or exceeds that of the whites. This case shows how difficult it is to prove such a case and how impossible it is to handle the situation on a case by case basis.

(At this point Mr. HICKEY took the chair as Presiding Officer.)

Mr. JAVITS. Mr. President, I have already referred to the Lynd case in Mississippi. In Montgomery County, Ala., the Government had a case which took a week to try. It required 160 witnesses, for both sides. The Government had a staff of five. They analyzed 36,000 voter registration applications over a period of 3 months. The Government had three to five lawyers working on the trial.

Even if the Government succeeded in satisfying the court that the subjective standard of writing or reading of the Constitution or of some other law, and its interpretation, had been abused, how could the resulting injunctive order be enforced, asked the law-enforcement authority, since to establish contempt of court the Government again would have to cope with the vague and illusive standard of "understanding" or "comprehension," which are the standards applied by the State?

Mr. President, the Attorney General of the United States, in testimony before the committees which were considering the bill, made a frank statement of the situation. I wish to quote from the testimony of Attorney General Kennedy on March 15, 1962, before the Committee on the Judiciary of the House of Representatives. He said:

It may be asked whether the problem could be solved without new legislation. Prior to the first session of this Congress the President explained that, before recommending any new legislation in this field, we wished to test the existing tools with vigor and imagination.

We have done so, and we have made significant progress. However, our experience shows that existing laws, while helpful, are inadequate. The problem is deep-rooted and of long standing. It demands a solution which cannot be provided by lengthy litigation or a piecemeal, county-by-county basis.

The Attorney General also testified before the Senate Committee on the Judiciary in practically the same words. I read only this additional sentence:

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

That is from the testimony of the Attorney General on April 10, 1962, before the Senate Committee on the Judiciary.

Mr. President, I have stated the two issues. First is the factual base, which has not been challenged, of widespread and flagrant denial of the opportunity to register and to vote by virtue of abuse and misuse of literacy tests, which are performance tests. Second is the inadequacy of the remedy under existing laws, both in terms of time taken and in terms of the volume of effort, for dealing with a subjective standard. This makes it completely impossible and impractical to go into each case. These are the essential bases for the constitutionality of the proposed legislation.

We come now to the question of the basic constitutionality and upon what it relies. It is most clear and least encumbered with arguments, with pros and cons, that the basis is found in the 15th amendment. Under the second section of that amendment the Congress is given a wide choice of means by which to implement the guarantee of that amendment that there shall be no denial of the right to vote on the grounds of race, creed, or color. The means chosen in this particular proposed statute would deny to the giver of a performance test for registering and for voting the right or the opportunity to utilize that performance test to deny the right to vote if the person taking the test holds a sixth grade certificate.

That does not mean it is a qualification for voting, Mr. President. This is the point which has been constantly, in my opinion, confused and obfuscated in this debate. This merely would mean that if the performance test is given and if such a sixth grade literacy certificate is produced, then the performance test stops at that point. The Congress would choose that certificate as a way in which to end the abuse with respect to the performance test.

In other words, the use of this standard is not affirmative but is negative. It is demonstrated by the fact that any person can take a performance test, even if he has no grade school education whatever, and if he passes the test he is entitled to vote. That is true in any southern State, and would be true even if the bill became law. It is true in any northern State.

In the State of New York there is a performance test with respect to literacy for the purposes of voting. That performance test can be satisfied by anyone, whether he has a sixth grade certificate or not, so long as he can show he can read and write English. Certainly there is no accusation that in the State of New York the performance test is utilized for the purpose of depriving anybody of the right to vote. Indeed, out of an excess of caution, my colleague [Mr. KEATING] and I have interposed no objection whatever to the sixth grade certificate applying to the schools of Puerto Rico, where the language taught is Spanish, because we do not wish in any way to lend ourselves to any charge that any discrimination is practiced or intended in the State of New York, because our courts have held, as our statute provides, that literacy must be in English.

Incidentally, after people have had an opportunity to get for themselves a bit of adult training, that is not unreasonable at all.

Nonetheless, notwithstanding the fact that the bill included this particular provision, we have supported it. The reason for the provision I prefer not to guess at or to speculate about, since I do not wish in any way to impugn the motives or ideas of anyone who drafted the bill. Obviously it was very specifically directed at New York, because New York is a State in which this matter has been in controversy. It is a State in which court decisions have been rendered on the subject, which decisions have sustained the State in utilizing the standard of English.

Nonetheless, my colleague the Senator from New York [Mr. KEATING] and I, in deference to our strong views about the validity of the proposed legislation not only as to constitutionality but also as to desirability, have raised no objections and have made no point on that basis, which would change the basic law and practice in the State of New York, since we realize the Federal statute would be paramount.

To paint the bill as one prescribing qualifications would mean a reference to an affirmative qualification; that is, that one could walk in with a sixth grade certificate, place it on the desk, and be registered to vote. That is not so. Only when a performance test is applied, the statute, if passed, would prevent the registrar from flunking the applicant on the performance test if he had a sixth grade certificate. I submit that is very different from fixing the sixth grade certificate as the qualification for voting.

That, indeed, was the rationale and the basis for the constitutionality of this particular measure, as we saw it. There are adequate cases, in my opinion, to sustain fully the authority and the power of the Congress to make a reasonable regulation designed to deal with an admitted wrong. Our opponents do not admit the wrong, but it seems to me it could hardly be controverted, in view of the findings of the United States Civil

Rights Commission, which have been referred to time and time and time again.

Congress has the right to choose reasonable means in order to meet an admitted wrong. Mr. President, the question is, are the means reasonable? That is the point I have argued, in pointing out that we seek, in the bill, to set a negative qualification. That is, it would prevent an applicant from being flunked on a performance test which might be given by any State or State official if the applicant had a sixth grade school certificate.

Mr. President it seems to me the cases are clear in sustaining that proposition. Very deeply imbedded in all proposed legislation of the type before us is the famous Yarbrough case in which the Supreme Court expressly held as follows:

The 15th Amendment of the Constitution, by its limitation on the power of the States in the exercise of their right to prescribe the qualifications of voters in their own elections, and by its limitation of the power of the United States over that subject, clearly shows that the right of suffrage was considered to be of supreme importance to the national government and was not intended to be left within the exclusive control of the States.

Mr. President, I repeat the last clause because I think it is worthy of repetition:

and was not intended to be left within the exclusive control of the States.

Yet back as far as 1884, when in re Yarbrough was decided, every vestige of the argument made here against the constitutionality of the bill—that the right of suffrage was to be left within the exclusive control of the States—was made and rejected by the Supreme Court.

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

Mr JAVITS. I yield.

Mr. DOUGLAS. Has not that argument rested upon the 10th amendment, which provides that powers not granted to the Federal Government are presumed to rest in the States? The 10th amendment, of course, was a part of the original Bill of Rights, which James Madison got through Congress in 1789, I believe, and which was ratified shortly thereafter. The 15th and the 14th amendments certainly superseded the 10th amendment. Is that not true?

Mr. JAVITS. There is no question about that. I am grateful to my colleague for pointing up that fact. The courts have held time and time again that the amendments of the Constitution are as valid and enforceable upon the States and the citizens of the United States as any section of the Constitution adopted before the amendments.

In all of the arguments on the subject the opponents of the measure not only prefer to overlook the facts on widespread denial of voting opportunity, ugly as they are, but also prefer to overlook the fact that after the Civil War we adopted the 15th amendment. I do not blame them for overlooking it, if that is the way they feel about the argument. But I certainly do feel that those Senators who do not wear that color of glasses cannot overlook it. That is what we are talking about in the present debate. Let us understand that there are plenty of votes in the Senate to effect cloture and to pass the measure handily without in any way delaying the business of the Senate. Those are votes over and above the votes of Senators representing States whose social systems and electorates make them insist that they oppose the proposed legislation and oppose cloture.

If there is nothing else that the people of the country understand, let them understand that. It may be remembered that at one time, over the opposition of Senators from the South, we took up a civil rights bill in the Senate. I believe it was in 1957. The motion to consider carried by a vote of 71 to 18. At that time there were 96 Senators in the Senate and not 100. Therefore let us understand that it is not the Southerners alone who are blocking the measure. It is the Northerners, the Westerners, the Midwesterners, the Northeasterners, and the Southwesterners who on cloture voted with them who share this responsibility, too. When we so understand, we shall have the debate in some kind of proper focus and the country will understand what is afoot in respect to the whole subject.

Again on the issue of constitutionality, the case of the United States against Raines, which sustained the constitutionality of the Civil Rights Act of 1957, made it very clear that the 15th amendment applied to the express conduct which is being dealt with under the bill. In that case an effort was made to argue that the 15th amendment could not apply to an individual who was denying other individuals the right to vote unless the applicant went through the whole State procedure and the Governor finally denied the particular Negro the right to vote on grounds which were improper.

The Supreme Court said:

Discrimination by State officials, within the course of their official duties, against the voting rights of U.S. citizens, on grounds of race or color—is certainly, as "State action" and the clearest form of it, subject to the ban of that amendment, and that legislation designed to deal with such discrimination is "appropriate legislation" under it. It makes no difference that the discrimination in question, if State action, is also violative of State law.

The opinion of the Court continued:

The argument is that the ultimate voice of the State has not spoken, since higher echelons of authority in the State might revise the appellees' action. It is, however, established as a fundamental proposition that every State official, high and low, is bound by the 14th and 15th amendments.

The opinion continued:

We think this Court has already made it clear that it follows from this that Congress has the power to provide for the correction of the constitutional violations of every such official without regard to the presence of other authority in the State that might possibly revise their actions.

Finally the Court said:

But there is the highest public interest in the due observance of all the constitutional guarantees, including those that bear the most directly on private rights, and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief.

Mr. President, I deeply feel that the question of constitutionality was certainly no basis for turning down the opportunity for working on the merits of the measure. Let us again emphasize that point. The question of constitutionality was no basis for turning down the opportunity for working on the merits of the measure before the Senate. We had available the amendment of the Senator from Kentucky [Mr. COOPER], the amendment of my colleague [Mr. KEATING], and other amendments which could have been offered in order to redress a demonstrable wrong and an ugly state of facts.

Mr. President, I shall repeat that statement again and again and again. No defense has been made on the floor of the Senate of the state of facts that exists in the denial to Americans of the right to vote because they happen to be Negroes. Though they are holders of scholarships, college graduates, and college professors, they are still second-class citizens in certain areas of our country. We apparently intend to do nothing about that situation except to leave it to the Department of Justice, which has said that its remedies are inadequate.

Mr. President, I wish to be very clearly understood when I speak of responsibilities in respect of the measure before the Senate. Some Senators voted for cloture; other Senators, from various sections of the country other than the South, did not. I yield to no one in my respect for the sincerity, integrity, and the decency of the motives of Senators. All that I am pointing out is that the shelving of the pending measure, and the defeat of cloture, cannot be laid upon the South alone. It is the responsibility of those outside the South, too. I may be right in my vote; the others may be right and I may be wrong. All I say is that we should be called to account on the basis of not representing communities where, in the eyes of those who represent those communities—whether they are right or wrong I do not know—they believe there is some built-in demand to support the social order which calls for segregation.

I am only pointing out that the responsibility is not upon those from the South alone—though I think it is upon them, too—but that practically there are plenty of the rest of us to do what needs to be done and we are not doing it. Therefore we have to account to the country. That is a big reason for my making this speech as to why we—who are not bound in political and social terms on segregation—are not doing what must be done on this bill. But I think that is where the responsibility to account to the country comes in, and that is what I would hope to have the country understand. The people of our country are entitled to understand clearly the reasons why positions taken upon the cloture votes were so taken and their effect upon the proposed legislation.

We must also bear very clearly in mind the fact that no matter how this

may be fuzzed up on the vote to table, the fact is that the votes on cloture are the votes that killed the measure if the coming vote confirms them, and those are the votes that count.

Finally, if we are going to lay aside this bill, apparently, in spite of everything that my colleagues and I who are fighting for it can do, it will be laid aside notwithstanding the fact that there is a desire to continue to discuss it and propose amendments to it and to discuss those amendments and to refine the measure and to demonstrate its need.

Why is it being laid aside? What is the reason for its being laid aside? Is there some pressing national emergency which overhangs us, for which we are going to take down the pending bill and put another bill in its place for consideration?

I assume that we must take the word of the leadership that the measure that we will take up in place of the pending bill is a very important one, indeed. Therefore, I should like to read the text of Calendar 1304, H.R. 10788, into the RECORD. That is the measure that will be used to displace the bill which is such critically important legislation, and which bears upon the most urgent questions of public order and public morality in the United States, as incorporated in the voting bill and in the whole civil rights question. This is the bill which is being moved to displace that important bill. It reads:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 204 of the Agricultural Act of 1956 is amended by inserting the following after the first sentence thereof: "In addition, if a multilateral agreement has been or shall be concluded under the authority of this section among countries accounting for a significant part of world trade in the articles with respect to which the agreement was concluded, the President may also issue, in order to carry out such an agreement, regulations governing the entry or withdrawal from warehouse of the same article which are the products of countries not parties to the agreements."

Is that a very important bill? Will the foundations of the Republic rock if we do not consider it for 1 or 2 or 3 weeks? That is not the answer. The point is not to take up that bill. The point is to take down the literacy test bill, because however fullhearted our efforts may have been, we have taken a couple of weeks on it in a very leisurely way, and that is the end of it.

That does not lessen the responsibility of every Member of the Senate with respect to the bill. It is certainly a very serious commentary on the importance and significance and consequence which we attach to the literacy test bill and the whole matter of congressional action in the civil rights field.

That, I believe, is the very legitimate issue upon which, in my opinion, we stand in a most unfortunate and unhappy light.

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

Mr. JAVITS. I yield.

Mr. DOUGLAS. I notice that the committee report on S. 3006, the companion bill, also designed to amend section 204 of the Agricultural Act of 1956, concludes with the following epoch-making statement:

It is, therefore, our opinion that forestry is a part of agriculture and that timber is an agricultural commodity. It follows, therefore, that the products thereof, such as lumber, are products within the definition in section 204. We have attempted to analyze the problem from the standpoint of general precedent and authority. If the foregoing analysis is not consistent with the present intent and purposes of the Congress, you may wish to reexamine the question for greater clarification.

In other words, a large portion of the proposed amendment is apparently designed to enable forestry and timber to be classified as a part of agriculture. Does the Senator from New York think that this is of such crucial importance that we should lay aside the matter of voting rights for 20 million Americans?

Mr. JAVITS. Of course the Senator from New York does not, especially in view of the demonstrated ugly facts to which I have referred on a number of occasions and in the course of these remarks with respect to the flagrant denial of the basic American right to vote to thousands upon thousands of Americans. I shall not burden the RECORD further because it has already been demonstrated time and time again with the percentages of those who vote in the so-called black counties, showing the miniscule percentage of those who are Negroes, where it is unpopular, very unhealthy, and very unsafe for any Negro to try to vote, and where the greatest abuses with respect to these literacy tests exist.

Now as to the means which may be used to end these abuses. I shall close upon this note. With respect to the authority of Congress to prescribe the means, I should like to refer to the famous case of McCulloch against Maryland, which is one of the earliest and most fundamental Supreme Court cases in this field, having been decided in 1819. In that case the Court said:

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.

Then there is a whole series of cases: United States against Darby, Guss against Utah Labor Relations Board, First Iowa Hydro-Electric Co-op. against Federal Power Commission, Everards' Breweries against Day, Westfall against United States, Ruppert against Caffey, Burroughs against United States. There is a whole series of cases in which Congress is given the greatest latitude to choose the means, once there has been established the constitutional basis.

I close upon this note. I have endeavored in these remarks to make two points. One, and very important, is the point that this matter is not ended; that the country will have a right to hold us all to account; indeed, that it is the duty of the citizenry to hold us to account. That is how critically important this subject is. It involves questions of public order where public order has been breached, in riots and in other serious disorders.

It involves very deeply the morale of the country. Who for a moment in his right mind can say that the sit-ins, the wait-ins, the pray-ins, the freedom riders are not a manifestation of a deep current—not an undercurrent, Mr. President—a deep current of protest against an intolerable state of affairs under present conditions?

Of course it affects vitally and materially, as has been observed in the Senate time and again, our whole international basis, with two-thirds of the world being inhabited by yellow, black, and brown people, whom we are endeavoring to lead in the interest of freedom. That is point one.

Point two is the fact that this is an ugly state of facts which we are trying to remedy; yet no opportunity is being given to remedy it. Constitutionality is based on that ugly state of facts. That is what gives us the right to try to remedy the situation. I believe the bill before the Senate is an entirely reasonable means and is entirely constitutional. That is the one issue that has not been met in this debate by anyone except the proponents of the measure.

We should continue this debate. We should deal with this legislation. We should deal with the amendments that will be proposed, and have been proposed. We should deal with the civil rights problem in our country under the cover of this legislation. It is our duty to lead the country and to arouse it in this respect, because the issue certainly deserves it.

Then, after that has been done effectively and adequately, in another week or two or three—yes, if need be, in order to suit the Senate tradition, and apparently that must be done, even though it may be mumbo jumbo, and even after round-the-clock sessions, and after doing all that in order to impress the country that we mean business—then let us take another cloture vote and see what the answer is in terms of individual responsibility of individual Senators outside the South, of whom there are plenty to do the job with respect to this legislation. Then we will have a right to speak of what has been done, and not before.

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

Mr. JAVITS. I yield.

Mr. DOUGLAS. I commend the distinguished senior Senator from New York for his characteristically able speech. The Senator from New York combines three extraordinary qualities: a warm heart, a deep legal scholarship, and an acute legal mind. This means that his arguments are always extremely cogent and athletic in their texture. Yesterday the Senator from New York stated that although there might be differences between the civil rights advocates on the Democratic side of the aisle and the civil rights advocates on the Republican side of the aisle, on the question of civil rights we stood together regardless of party, and the Senator from New York pledged the cooperation of his fellow party members. Let me, in similar fashion, pledge our cooperation to our Republican colleagues, with whom we may differ on some subjects, but with

whom we are in entire accord on this subject.

Mr. JAVITS. Mr. President, I am grateful to the distinguished Senator from Illinois. I would not wish for 1 minute not to stand on my pledge. I affirm my deep conviction. I know the Senator understood my intention and my purpose. I am certain that the Senator has the same thought in his own mind.

Mr. KEATING. Mr. President, will my colleague yield?

Mr. JAVITS. I yield.

Mr. KEATING. I join with the Senator from Illinois in paying tribute to my senior colleague from New York. He has presented a cogent argument. Even though he and some of the rest of us may feel that we are swimming upstream at the moment, certainly his words will be remembered. He has not given up the fight. I know of no one who has made a more magnificent contribution in the whole field of the problem of bettering the human rights of our citizens than my colleague from New York. I am proud to stand with him in this fight.

Mr. JAVITS. I am very grateful to my colleague. I have said many times, and I say again, that it is one of the joys of my service in the Senate that in the person of my colleague from New York I have a stanch ally in this struggle.

Mr. KEATING. I thank my colleague.

Mr. President, I protest this effort to gag the majority. Many Senators have voted against cloture because they contended, in their words, that the minority should not be gagged. But now it is sought to gag the majority, the majority in favor of proposed legislation who voted against the motion to table.

Before I discuss this issue, I think we should not completely forget one gentleman about whom very little has been said in this debate—Mr. James Norman. The pending motion would inter H.R. 1361, for the relief of Mr. James Norman.

My heart rather bleeds for Mr. James Norman. The pending motion would inter H.R. 1361, for the relief of Mr. James Norman——

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

Mr. KEATING. I yield.

Mr. MANSFIELD. I suggest to the Senator that his heart need not bleed too badly for Mr. James Norman. It need not bleed any more badly for him than it did for the resolution relating to the Alexander Hamilton house, because as that resolution was resurrected, so, I can assure the Senator, this measure will be resurrected.

Mr. KEATING. I appreciate the statement of the distinguished majority leader. Of course, he refers to the effort to enact civil rights legislation as an amendment to the resolution which my colleague and I sponsored to erect a monument to Alexander Hamilton. I again express my gratitude to the majority leader over the successful outcome of that legislation.

But Mr. James Norman, sitting at home in Texas, has no assurance that something will not intervene between now and the time when the Senate gets ready to examine his problems. After all, the bill for the relief of Mr. Norman has been reported favorably by the Committee on the Judiciary; and still we seek to inter this bill, not only with what seems to me to be indecent haste, but without even the benefit of a medical examination or a coroner's inquest. In point of fact, H.R. 1361, by the pending motion, would be buried alive. I submit that while this may not be a method of disposing of vexatious issues, it is not a proper method of disposing of legislation.

Be that as it may, and even if Mr. James Norman does not suffer as a result of the action sought to be taken here, it is still a fact that this is an effort to gag the majority. The pending motion, if agreed to, would bar action not only on the administration's literacy bill, but on all the other amendments which have been presented or would be offered if the debate were allowed to continue.

It would be astonishing if those who have complained so bitterly about a gag effort which was not actually made were now to support a gag effort which is a reality. Those who plead for the right of unlimited debate against civil rights should be willing to permit fair, even if not unlimited, debate to those who favor civil rights.

A variety of approaches to the literacy problem have been suggested. The distinguished senior Senator from Kentucky [Mr. COOPER] has suggested a statutory substitute for the bill. It would abolish subjective literacy tests entirely, without any sixth grade limitation for interpretative examinations. I do not agree with the proposal of the Senator from Kentucky. My own view is that such a bill would present more serious problems of constitutionality than the one which we have been considering. However, the distinguished Senator from Kentucky should have the opportunity to present his views; he should not be gagged in his effort to present them.

The distinguished junior Senator from South Dakota [Mr. CASE] attempted yesterday to call up his constitutional amendment, which seeks to accomplish the same purpose as the bill before the Senate. I do not agree with the Senator from South Dakota. I do not believe that we need a constitutional amendment to deal with this problem, because the problem can be handled by statute. Still, I would be the last one to say that the Senator from South Dakota should be gagged, and should never be given an opportunity to present his amendment. He would have no chance at all to present and talk on his amendment if the pending motion were agreed to.

For my own part, I have stated that the administration bill should be broadened to cover State as well as Federal elections, since State elections are dealt with in exactly the same provision of the Constitution.

In addition to these and several other amendments to the literacy bill, it has been made clear that a number of other civil rights proposals would be offered for the consideration of the Senate. It is my judgment that in many respects this is perhaps the most unfortunate bill which could possibly have been selected upon which to base a civil rights debate. There are many other proposals which could have been made, which have been advocated in the platforms of both political parties, and which involved none of the difficulties of the literacy bill.

However that may be, there is no possible justification for entirely abandoning the bill before the Senate has had an opportunity to express its will on these issues—all of them, or at least some of them. Any Senator who is opposed to the administration's bill, to the Case of South Dakota amendment, to the Cooper substitute, or to any other measure, can and should vote against it.

I have indicated that I would vote against the Case amendment and that I would vote against the Cooper substitute. That is the way to handle such matters. There is no danger that any of these proposals would slip past the vigilant eyes of the opposition or would be passed by less than a majority vote. There is absolutely no excuse for discarding or junking such proposals without fair deliberation, regardless of whether one favors them or opposes them.

We must not have one set of rules for the opponents of civil rights and another set of rules for the proponents of civil rights. With all our sensitivity for the rights of the Senate minority, we should not be insensitive to the rights of the overwhelming majority of the Members of the Senate who voted against the motion to lay this bill on the table.

It is not often necessary to speak for the rights of the majority; but this is a case in which the majority is sought to be gagged. I suppose it could only happen in this body, Mr. President.

There may be room for compromise and there may be new approaches for which the necessary two-thirds vote in order to invoke cloture could eventually be mustered. In retrospect it would appear that it is quite possible that a majority vote, and perhaps a two-thirds vote, could have been obtained for a civil rights measure framed in a different way. Many who believe, erroneously, in my opinion, that the measure is unconstitutional, might either now or later be willing to vote in favor of invoking cloture in connection with a measure as to which there was no doubt of constitutionality.

The administration's bill may have been an appropriate starting point for this debate, but certainly it need not be its point of termination. Those of us who favor civil rights measures do not seek the right of unlimited debate. We have no intention, either now or at any future time, if the pending motion fails and if the Senate continues with the debate on this civil rights measure, to organize the Senate into teams and to continue for weeks with the debate, in order to express our views and to press for Senate action in support of them; but we do request the right to have a reasonable amount of debate, and we had every reason to expect a fair opportunity for adequate deliberation on our proposals.

In my view we shall not be adding to the glory or the dignity of the Senate if we yield control of the business of the Senate to the small minority of Senators

who voted in favor of laying the pending measure on the table, nor shall we be enhancing the dignity or the reputation of this body by suppressing every effort of the majority, who voted against the motion to lay the bill on the table, to bring their alternatives and their counterproposals before the Senate.

Mr. President, is it too much to ask that those who argued so long and so strenuously for the rights of a minority of the Senate should now act to give equal rights to the majority of the Senate? I hope not; I hope the Senate will demonstrate support for fair play when it votes on the motion of the majority leader to kill off the debate on civil rights; and I hope his proposal will be rejected.

The proponents of civil rights have never worked for a parliamentary deadlock. They have not tried to ram any measure through this body. They will abide by the will of the majority. They ask only that sufficient time for a definitive expression of sentiment be permitted.

The pending motion threatens more than the bill which provides for the relief of Mr. Norman, and more than the pending literacy-test amendment, and more than the time available for debate. The fundamental issue raised by this motion is whether the Senate will allow its deliberations to be controlled by a minority of its Members.

In the past few weeks we have been treating the American people to a dramatic display of the inability of the Senate to deal with the Nation's business. People all over the country, following this debate, simply cannot believe it; we cannot explain satisfactorily to anyone, except to a few who are very thoroughly indoctrinated on one side or the other of this controversy, what has been going on here—our votes against invoking cloture and our vote against laying the measure on the table. This same situation could just as well have involved an important treaty, an appropriation bill, a nomination, a national defense measure, or even a declaration of war.

The Senate has demonstrated that under its present rules it cannot avoid a legislative deadlock without surrendering to the desires of a minority of its Members. More than any other factor, rule XXII, the cloture rule, is responsible for this sorry state of affairs. Rule XXII subjects every measure of the Senate to veto by one-third of its Members. Rule XXII virtually assures interminable debate, deadlock, and defeat for any proposal which goes against the desires of one-third of the Members of the Senate present and voting. Last year, on behalf of myself and 14 other Senators of both parties, I submitted an amendment to rule XXII which would permit a constitutional majority of the Senate to invoke cloture after a minimum of 15 days of debate. Under that proposal, an equal division of time between those in favor and those opposed to the proposal would be provided, once cloture was agreed upon. The cosponsors of that proposed amendment to rule XXII were Senator DOUGLAS, Senator JAVITS, Senator HUMPHREY, Senator KUCHEL, Senator CARROLL, Senator BEALL, Senator HART, Senator BUSH, Senator MCCARTHY, Senator CASE of New Jersey, Senator MORSE, Senator SCOTT, Senator PROXMIRE, and Senator WILLIAMS of New Jersey.

In my opinion, an amendment of rule XXII along the line of that proposal is the only way finally to establish the right of a majority of the Members of Senate to control the proceedings of the Senate. I am sure that all of us are willing to make any reasonable concession to assure full debate on any proposal before the Senate; but, in my opinion, we cannot compromise on the principle of majority rule and still uphold the principles of the Constitution.

In my judgment rule XXII, as enforced, is unconstitutional. This position is squarely based on the Constitution. We shall never acquiesce to a practice which flies directly in the face of the fundamental law and permits control of the business of the Senate by a minority.

Mr. President, I wish to state a few of the reasons why I believe rule XXII, as now invoked, is unconstitutional.

Article I, section 5, clause 2 of the Constitution provides that:

> Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

The rules of the proceedings of the House or of the Senate must, of course, conform to constitutional limitations; I think no one would disagree with that statement.

In exercising its authority to determine the rules of proceedings, the Senate may not "ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained." That is from the decision in *United States* v. *Ballin* in 144 U.S. 1, 5.

The Constitution specifies a vote of more than a majority in only five instances. Two-thirds rather than a majority is required override a veto, article I, section 7, clause 2; to ratify a treaty, article II, section 2, clause 2; to initiate amendments to the Constitution, article V; to convict in cases of impeachment, article I, section 3, clause 6; and to expel Members, article I, section 5, clause 2. The specificity with which these requirements are set forth in the Constitution makes it evident that in no other cases may a two-thirds vote be required for action. The Founding Fathers obviously recognized that the principle of majority action would be applicable unless exceptions were expressly stated.

In *Addison* v. *Holly Hill Company*, 322 U.S. 607, at 617, it was stated:

> Exemptions made in such detail preclude their enlargement by implication.

The intention of the framers of the Constitution is particularly evident in connection with the power of each House of Congress to determine the rules of its proceedings under article I, section 5, clause 2 of the Constitution which I have quoted. This particular clause also applies to expulsion of Members and in that case specifies that expulsion shall be with the concurrence of two-thirds of the House. Nothing could be more certain under these circumstances than that a two-thirds requirement could not also be imposed as a limitation on the power of Congress to adopt rules of proceedings.

Majority rule is the general principle of all free governments. As a result we find that even the situations in which a two-thirds vote is specified in the Constitution are narrowly construed. It has been held for example, that the two-thirds margin applies to Members present and voting, not to Members present. Even more strikingly, it has been held that amendments to resolutions proposing constitutional amendments, proposing expulsion of Members, or admitting evidence in impeachment trials, may be agreed to by a majority vote even though the original proposition requires a two-thirds vote. I refer to "Hinds' Precedents," volume II, section 274; volume III, section 2167; and volume V, sections 7031 and 7032. These precedents show that majority rule has been favored by Congress wherever possible.

The proceedings of the Constitutional Convention give further convincing evidence of the attitude of the Founding Fathers. Two instances are recorded in which the Convention rejected efforts to impose a two-thirds requirement on the exercise of legislative authority. The first related to the exercise of legislative authority over interstate and foreign commerce. A proposal to subject the exercise of this power to a two-thirds vote was made and rejected after Mr. Sherman, one of the delegates to the Convention, said that "to require more than a majority to decide a question was always embarrassing, as had been experienced in cases requiring the votes of nine States in Congress (under the Articles of Confederation)." A similar effort to limit the power of Congress over navigation by a two-thirds vote requirement was also defeated. It is noteworthy that the provision of the Constitution finally adopted with respect to these subjects—article I, section 8, clause 3—does not state that Congress shall have the power by majority vote to regulate commerce, but simply that Congress shall have power "to regulate commerce with foreign nations, and among the several States." Yet the requirement of action by majority under this clause is as clear as if it had been explicitly stated that Congress would regulate commerce by majority vote. That same thing is true in all other cases where the power is given to Congress, except in those cases where it specifically provides that a two-thirds vote is required. In all these cases where the vote requirement is not specified, Congress acts by majority vote.

It follows from these considerations that any rule of either House which limits the power of Congress to pass legislation by majority vote other than as specified in the Constitution would raise serious constitutional questions. For example, a rule of the Senate requiring all legislation relating to the commerce clause to be approved unanimously,

would plainly violate the Constitution. Conversely, a rule of the Senate permitting ratification of treaties by a one-third rather than a two-thirds vote would likewise be unconstitutional. There is no distinction between these situations and a requirement in the rules that the Senate may determine the rules of its proceedings only by a two-thirds vote. Such a requirement in the rules of the Senate would be violative of article I, section 5, clause 2 of the Constitution for precisely the same reasons that a one-third vote for ratifying treaties would violate article II, section 2, clause 2, or a unanimous vote for legislation regulating commerce would violate article I, section 8, clause 3 of the Constitution.

The argument is made that rule XXII of the Standing Rules of the Senate does not require a two-thirds vote for the adoption of rules of proceeding, but only for limiting debate. In form, this is certainly the case. But only a blind man would be unable to see through this artifice, and if the Supreme Court were ever presented with this problem, it would strike it down in a moment. It would not be so blind as not to see through it.

The provisions of rule XXII, are as much a curb on the right of the Senate to act by majority vote as they would be if the rule explicitly required a two-thirds vote for passage of civil rights legislation. This could not be more evident than it is at this very moment. The second cloture motion has failed and it is therefore proposed that we go on to other business. This is no different in substance from saying that more than one-third of the Members have voted against the literacy amendment and it is therefore defeated. That, in substance, is what the result is here.

Rule XXII obviously is a rule of substance disguised as a rule of procedure. It vests control over the proceedings of the Senate in a minority just as surely as if it said that no legislation shall be passed to which more than one-third of the Members of the Senate present and voting objected. The Constitution cannot be evaded by elaborate fictions and disguises. The disguise in this case is transparent. Rule XXII, unmasked, is a blatant attempt to subject the proceedings of the Senate to the control of any minority group determined to exercise a verbal veto power over legislation the minority does not favor.

Actually, this point is frequently conceded by the opponents of majority rule, but in another context. They allege frequently that the filibuster has prevented the passage of legislation. One Senator has put it this way:

> The most famous measure to my section of the country that has ever been defeated by free and unlimited debate was the force bill of 1890, a bill somewhat in the same category as the civil rights bill that is now before the Senate.

Another Senator has expressed the same thought in these words:

> So far as I have been able to determine, filibustering does not prevent needed legislation. I do not recall a single instance in American history where an important measure defeated by a filibuster has been enacted later. Nearly every proposal thus rejected has died unregretted by the country. No really meritorious measure has been defeated by filibuster, but some vicious proposals have been killed.

These examples could be endlessly duplicated by quotations from the debate on the pending business. They show unmistakable recognition of the very proposition I am urging; namely, that rule XXII is a method under which a minority can defeat legislation and not a method of regulating the time for debate.

There is nothing more convincing, if I were to argue the case, that I could say to the Supreme Court of the United States than to quote this language whereby the opponents of proposed civil rights legislation have said over and over again that the filibuster, or unlimited debate, as it is sometimes called, is a weapon to defeat proposed civil rights legislation.

Obviously, Mr. President, I do not agree with the comments in the quoted statements as to the nature of the legislation which has been defeated under rule XXII. But this really is beside the point. The fact is that those who make these arguments—and this includes virtually every opponent of majority cloture—are admitting that rule XXII is a rule of substance and not of procedure. They are admitting that it preserves in a minority of the Senate the power to "kill" legislation. They are admitting that the filibuster operates as a restriction on majority rule exactly as though rule XXII provided that legislation had to be approved by a two-thirds rather than a majority vote. This fact has now become obvious to the whole Nation.

As I have said before, a majority may sometimes be wrong. I have always felt that was so when I voted with the minority. I think many other Senators have that view. Though a majority may sometimes be wrong, so may less than a majority, and under our Constitution, unless otherwise specified, it is the majority of the Senate which is given power to enact legislation and to determine the rules of its proceedings.

Rule XXII as now enforced is a pernicious, obnoxious affront to the right of a majority of this Senate, after full debate, to act on the merits of any issue before it.

The course we must eventually take if we are to protect the deliberative character and effectiveness of this body is to amend the cloture rule so that it will become truly a rule to regulate debate and not a rule to prevent action.

Until this is done, however, it is imperative that we do everything possible to avoid a surrender to minority control of the actions of the Senate.

The American people must understand that this is the real issue raised by the pending motion. If this issue were brought home to the people, they would strenuously object to any surrender. The precedent such a surrender would establish would place in jeopardy the Senate's ability to meet not only the civil rights crisis, but also any crisis with which our Nation may ever be confronted.

In my judgment, the literacy test bill is required, and in fact, should be strengthened so that it does not sanction in State elections the arbitrary practices it would prohibit in Federal elections, because State elections and Federal elections are dealt with in exactly the same provision of the Constitution, upon which the constitutionality of the proposed legislation is bottomed.

The bill is constitutional because it deals with voting deprivations, not voting qualifications. Those who disagree should vote against the legislation on its merits or offer amendments, as have the Senator from South Dakota [Mr. CASE] and the Senator from Kentucky [Mr. COOPER]. Senators should vote against any amendments they dislike. They should not attempt to deprive their colleagues of the right to vote their own sentiments, any more than we would attempt to preclude the opponents of civil rights from voting their sentiments.

Mr. President, since the literacy test bill is still before us, it may be appropriate to reiterate the arguments for the constitutionality of this measure. I know that there are sincere differences of opinion in this question.

There are some in this body who favor strengthening the civil rights of our citizens, but who sincerely believe that the bill before the Senate has constitutional defects. I believe that many who have challenged the bill's constitutionality have not fully understood its limited provisions and limited impact.

The impression has been created, perhaps by reiteration, that the pending legislation must fail if it is true that the States have the sole, exclusive, all-pervading power to establish qualifications for voting.

This impression is incorrect. The argument that the States have the power to establish qualifications for voting can be conceded without in any way impairing the constitutionality of the bill.

This fact deserves emphasis. Dozens of pages of the CONGRESSIONAL RECORD have been consumed in arguing that point, as though it were decisive.

This bill does not overturn any existing literacy qualifications. If the existing qualification is objective, such as the completion of the eighth grade or third grade, it has no operation. Only if the existing qualification is subjective, does the bill provide a procedure to prevent discrimination against electors on the basis of their race. Under this procedure, no one could be denied the right to vote who had 6 years of education because he could not interpret a State constitutional provision dealing with a city's debt liquidation, or because he underlined rather than circled the word "Mr." on a printed application form, or because he pronounced the word "equity" as "eequity." These are just a few of the examples given at the hearings of the subcommittee. In other cases, Negro applicants have been rejected by arbitrary registrars for errors in computing their age. This is not just a matter of stating how old you are, but calculating your age in years, months and days. Some applicants who included the day on which

they were applying were disqualified by a registrar who decided that the day of registration should not be included. To illustrate the unreasonableness of this requirement, the Commission on Civil Rights asked a registrar who appeared at one of its hearings to demonstrate the system by calculating her own age. She miscalculated by almost a month.

This bill does not curb literacy qualifications, but it will most certainly curb the arbitrary administration of such tests by registrars and other election officials who are determined to deny Negroes the right to vote. It is the discriminatory application of laws setting qualifications for voting, not the qualifications themselves, at which this bill is aimed and against which it will be operative. That such practices are widespread in several of our States cannot be denied by anyone who pays attention to the facts. That such practices can be dealt with by Federal legislation cannot be denied by anyone who considers the command of the 15th amendment to the Constitution.

It was asserted yesterday that since the Senate approved a constitutional amendment to abolish the poll tax it must adopt a constitutional amendment to abolish literacy tests. This argument fails on three counts: First, there has been no factual determination by the Commission on Civil Rights that poll tax statutes are being administered discriminatorily despite their anti-Negro origin; secondly, the pending measure, as I shall repeat as often as necessary, does not abolish literacy tests, only their discriminatory application. The poll tax resolution adopted by the Senate did abolish poll taxes.

I differ with the distinguished Senator from Kentucky [Mr. COOPER], who has said that the bill is unconstitutional. However, he has offered an amendment which would abolish subjective literacy tests completely, and he has said that such action would be constitutional. If there are any degrees of constitutionality, I would say that the measure before the Senate is more constitutional. I say to my friends who claim that both of those would be unconstitutional, that certainly it would be more nearly constitutional from their point of view to state, "In administering your voting laws, you cannot deprive someone of the right to vote because of his race if he has completed the sixth grade," than it would be to say to that State, "You can't have any education or literacy test at all."

To my way of thinking that would be much more doubtful under the Constitution. But I say that the Senator from Kentucky [Mr. COOPER], who disagrees and who feels that it would be constitutional, should not be gagged or prevented from having an opportunity to present that issue to the Senate and to have it debated and passed upon here. He might be able to convince some who differed with him.

The third reason why the poll tax amendment is no precedent for handling the present question by constitutional amendment is that there is very serious doubt as to whether a constitutional amendment was necessary to abolish poll taxes.

I happen to think it was not, although I recognize that there is a stronger argument for a constitutional amendment to abolish poll taxes than there is for a constitutional amendment on the pending question, primarily because of the showing that literacy tests have been used and administered in a way to deprive many of our citizens of the right to vote.

The difference between the poll tax measure and the pending bill is the difference between abolishing interstate bus travel and subjecting such service to the reasonable regulation of the Interstate Commerce Commission. The abolition of poll taxes by a constitutional amendment, whether wise or unwise, is certainly no precedent for a constitutional amendment to enforce another constitutional amendment we adopted almost 100 years ago.

The distinguished Senator from South Dakota [Mr. CASE] has said that the matter should be handled by constitutional amendment. He should have an opportunity to present his case, debate it, and let the Senate pass upon the question. But if a constitutional amendment is required in this case, then the authority given in the 15th amendment to enforce its command by appropriate legislation is meaningless. I find repugnant any construction of the Constitution which renders one of its provisions nugatory, and cannot believe that such a construction would be favored by any objective legal authority. But I would suggest, in any event, that those who favor a constitutional amendment should at least have the opportunity to have it considered.

There may be some who are ready to concede the constitutionality of this measure but who doubt its necessity. It might be well for their benefit to outline for the record some of the roadblocks to registration and voting by Negroes which the Commission on Civil Rights uncovered in the course of its hearings and investigation. One of these is discussed under the heading "Finding the Registrar." This simple but effective device for discouraging voting merely requires that the registrar not be available in areas in which Negroes may want to register. When the registrars are unavoidably present they have been known to direct Negro applicants to wait at locked doors or to visit the local sheriff.

Sometimes a slowdown technique is employed. This is set in motion by mass challenges to already registered Negro voters. When the Negroes appear to protest they have to wait on long lines while the registrars drink cokes or simply gaze at the scenery out the window. White persons who come to register during this same period are waited on as soon as they arrive.

Another effective roadblock to registration is the voucher system. This requires the applicant to produce two registered voters in his precinct who will swear to his identity. In areas in which there are no Negroes registered—and there are such places in the United States—this is an impossible requirement for Negro voters to meet. As a result, Negroes who may have lived all their lives in the community and be well known to their neighbors and even the registration officials are denied the right to register because they cannot prove their identity to the registrar's satisfaction.

Another effective technique is to disqualify Negroes for the most minor errors on their registration forms. For example, one applicant was rejected because he underlined rather than circled "Mr." on the printed form. Others are rejected for errors in computing their age. This is not just a matter of stating how old you are, but calculating your age in years, months, and days. Some applicants who included the day on which they were applying were disqualified by a registrar who decided that the day of registration should not be included. To illustrate the difficulty and arbitrariness of this requirement, the Commission asked a registrar who was a witness at one of its hearings in Louisiana to demonstrate the system by calculating her own age. She miscalculated by almost a month. In many cases the applicants are not informed of these errors with the result that they have no opportunity to appeal the registrar's decision or correct their forms.

Literacy tests in various forms scored entirely on the basis of the registrar's judgment are another way of disqualifying Negro voters. One applicant who defined treason as "aiding and abetting an enemy in time of war," for example, was rejected by a registrar who simply told the applicant that the registrar did not think the applicant understood.

Possibly one could devise a better definition of "treason" than that, but I think it is pretty close to the way that treason is defined.

On the other hand, a white applicant who was asked to interpret a provision of the Louisiana constitution relating to freedom of speech and answered "I agree," was found qualified. Other registrars dispense with these tests entirely when dealing with white applicants.

Outright intimidation is a less subtle method of preventing Negroes from registering and voting. These include economic reprisals, threats and official interrogations. The Commission's report leaves no doubt that there are areas in this country in which Negroes are afraid to register and vote and for good reason. Sometimes this intimidation comes from government agents such as the local sheriff, other times from the Ku Klux Klan and other extremist groups. In an area ironically called Liberty County in the State of Florida, after a group of Negroes registered, crosses were burned and fire bombs hurled upon their property. They received abusive and threatening phone calls late at night. Finally all but one removed their names from the books and their troubles ended. The one holdout was forced to leave Liberty County. An investigation of this situation was ordered by the Governor of Florida—but the investigators concluded that the actions of the Negroes were voluntary.

The success of these tactics is revealed by some of the statistical information compiled by the Commission. Here are some of the most flagrant illustrations:

First. In two Alabama counties no Negroes are registered to vote, although Negroes represent 80.7 percent of the total population in one of them, and 77.9 percent in the other. In 22 other Alabama counties less than 10 percent of the voting age Negroes are registered. In the State as a whole, only 7.1 percent of the registered voters are Negroes and 92.9 percent are white while 73.8 percent of the eligible voters are white and 26.2 percent are Negro.

Second. In Georgia there are no Negroes registered to vote in 6 counties, in two of which Negroes constitute more than half of the counties total population. In three other counties, less than 10 percent of the voting age Negroes are registered. The Negro voting age population in these counties is 25.9, 45, and 55.7 percent, respectively.

Third. In Louisiana there are four parishes in which no Negroes are registered to vote. The Negro population in these parishes is 61.2, 64.9, 65.0, and 66.1 percent, respectively. In 15 other parishes in which the Negro population ranges between 18.4 and 50.8 percent of the total voting age population, less than 10 percent of the voting age Negroes are registered.

Fourth. In Mississippi, there are 13 counties in which no Negroes are registered. Negroes represent from 9.9 to 68 percent of the total voting age population in these counties. In 42 other counties in Mississippi, less than 10 percent of the voting age Negroes are registered. In these counties the Negro voting age population ranges between 4.3 and 74.3 percent of the total voting age population. Figures for almost all of Mississippi indicates that only 6.2 percent of the voting age Negroes are registered to vote, while Negroes constitute approximately 37 percent of the State's total population.

These facts make it evident that something must be done to further protect the right to vote in America. We cannot condone these conditions without doing violence to the spirit and intent of the 15th amendment. Nor can we rely on the States to safeguard the electoral process when we know that in many cases State officials are parties to the most serious voting deprivations. Congress has the authority and, in my opinion, the duty to enact whatever laws are needed to give full application to the command of the Constitution barring any abridgment of the right to vote on account of race, color or previous condition of servitude.

I believe in States rights but under the Constitution no State has the right to discriminate at the polls because of race or deny its citizens the equal protection of the laws. There are States wrongs as well as States rights and I can conceive of no greater wrong by any State than the denial to its inhabitants of the right to participate in the electoral process. Indeed the claim of States rights has a somewhat hollow ring when it emanates from areas in which only a relatively small percentage of the States' inhabitants can participate in the choice of their representatives. Claims that we are infringing upon the traditions and preferences of the people in these States are very weak when in some cases more than a majority cannot express their wishes at election time. Extension of the franchise will strengthen not weaken States rights by making certain that the States really represent the will of all the people and not the relatively few who can overcome a dozen obstacles to voting.

The debate on the literacy bill has succeeded in shunting into the background other civil rights measures of much more urgency and consequence.

This whole exercise may have been designed as a smokescreen to conceal other measures and to give exaggerated importance to the literacy bill. As I have indicated the literacy bill is important, and my amendment to the bill would have strengthened it and made it even more effective. But it is by no means the most critical problem facing this country in the field of civil rights. Certainly this Congress would not have been making a notable contribution to strengthening civil rights in America even if, at the end of this debate, it had succeeded in enacting a literacy bill—with or without strengthening amendments.

Eight years ago the Supreme Court unanimously declared segregated schools a violation of the 14th amendment to the Constitution. Today, there are still more than 2,000 school districts in the United States in which segregated education is maintained. There has been some progress in implementing the Court's decision but it has been painfully slow and extremely burdensome to the children and organizations involved.

The school situation should have been given the highest priority in our deliberations. We should have been considering measures to permit the Federal Government to utilize every resource in the fight for equal protection and to prevent the Federal Government from continuing to contribute huge sums to the support of practices we know violate the Constitution.

In 1960 the Federal Government contributed over $60 million for the construction and operation of school facilities in 11 States in which the rate of desegregation ranged from 0 percent to 1.21 percent. This was done under the program for Federal aid to impacted areas.

The Federal Government also allots millions of dollars every year for vocational educational training to States which maintain almost wholly segregated school systems.

The Federal Government has given millions in grants under the billion-dollar National Defense Education Act to States whose schools are still almost wholly segregated.

Federal expenditures in the field of higher education are estimated at close to $2 billion annually. These Federal funds are allocated, granted, or disbursed "without regard to the discriminatory policy of the recipient institutions." As a result, tens of millions have been distributed under these programs to segregated colleges and universities. Almost half of all the research funds granted by the National Science Foundation in 1960 went to segregated colleges. In the same year, more than 40 percent of all the research grants made by the National Institutes of Health and the Atomic Energy Commission went to public institutions that refused admission to Negroes.

If the President is unwilling, Congress should put an end to these vast outlays of public revenues to promote or maintain unconstitutional practices. We cannot be timid when enforcement of the Constitution is at issue.

I believe strongly that we should give the Attorney General the right to bring civil injunctive suits in school desegregation and other equal protection cases; that we should give technical assistance to school districts attempting to desegregate; that we should condition the grant of Federal funds on a policy of nondiscrimination; and that we should enact other legislation to speed compliance with the Supreme Court's decision. The failure of the administration to give its support to such measures has doomed their prospects of enactment but has not affected their necessity.

Education is only one of the problems which demands attention in any civil rights debate. Fair employment practices, discrimination in the National Guard and against other members of Armed Forces, discrimination in housing supported by Federal programs, denials of due process, raise some of the other problems which cannot be swept under the rug. The Commission on Civil Rights, which we created in 1957 to study and advise us on these questions, has made recommendations for action in all these areas. In most instances its recommendations have been unanimous. It should have had our backing. Our repudiation of its efforts has undermined its efforts—but even more importantly, it has forfeited an opportunity to build meaningful progress in the field of civil rights on the solid foundation the Commission structured. As I have pointed out, we did not establish this Commission so that it could write reports of academic interest to be stored away in libraries and other convenient repositories. We created it and annually appropriate a substantial sum for its operations, so that it could serve as the agent of the Congress and the President in determining what needs to be done to carry out the requirements of the Constitution. The Commission has done its work well, but Congress has not done anything to follow the path its members have brilliantly illuminated.

In the early days of this administration the impression was created that a determined President could pretty much do the job alone without any help from Congress. This was a false impression which has greatly handicapped legislative action.

In more recent months the administration has tried to convey quite a different impression; namely, that its hands are tied and that it is up to Congress to make progress on civil rights. These recent pronouncements understate the power of the Executive as much as early administration pronouncements overstated what could be done by the

Executive. The fact is that while there are some vital areas in which only Congress can act, there are others as to which the President has a tremendous unused reservoir of reserved power. The President, for example, could direct the Secretary of Health, Education, and Welfare to refuse to make grants for discriminatory schools, hospitals and other State programs. He could execute that "hold stroke of the pen" which he said during the campaign was all that was needed to outlaw discrimination in federally assisted housing so that Commissioner Robert Weaver would not have to administer a Jim Crow housing program. He could direct the end of segregation in National Guard units receiving Federal support. He could assign to the reorganized Committee on Equal Employment Opportunity the same jurisdiction over employment under Federal grant-in-aid programs as it now exercises over government employment and employment by government contractors.

Such action by the President may offend some elements in the country and in the Congress. But there is no more justification for the President to compromise constitutional requirements in order to appease certain elements than there is for Congress to fail to implement constitutional guarantees.

The President has expressed in many ways his deep personal interest in securing equal justice for all Americans. I do not doubt his good faith or ignore his accomplishments in this respect. However, as long as the Federal Treasury is being used to finance discriminatory programs, his job cannot be considered done. The Constitution is part of every one of our enactments. It makes no exception for the Department of Health, Education, and Welfare, our housing agencies, or any other Government department or bureau. It is up to the President to make this clear to all the officials in the executive branch and to the whole country. Americans are the beneficiaries of the proudest heritage of liberty and justice any people have ever enjoyed. We are under an obligation to pass this heritage on to future generations enriched and ennobled by our good example. It is almost 100 years since the day on which slavery was abolished in the United States. Fortunately, no new Emancipation Proclamation is needed on this anniversary. What is needed, however, is a new resolve to measure up to every concept of the American dream.

Mr. President, the motion to displace the pending business, if successful, will nullify the work of the Civil Rights Commission, it will repudiate a modest attempt to implement the 15th amendment, it will reflect rejection of the proposal of the President and the arguments of the Attorney General, it will violate promises solemnly made in both party platforms and repeated over and over again during the campaign. These are all vitally important reasons for voting down this motion. But the most important reason of all is the necessity of preserving majority rule in the Senate. If we fail to save this concept, we sacrifice much more than the pending bill—we place in perpetual danger the ability of this body to ever cope with our Nation's problems—we impair confidence in the institution itself.

I cannot support any such precedent and shall vote against the motion.

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

Mr. HUMPHREY. Mr. President, will the Senator withhold that suggestion for a moment?

Mr. KEATING. I withhold it.

CYRIL KING, GOVERNMENT SECRETARY OF THE VIRGIN ISLANDS

Mr. HUMPHREY. Mr. President, it was approximately a year ago that President Kennedy appointed Mr. Cyril King, at that time a member of my staff, as the Government Secretary of the Virgin Islands.

Mr. King is a native of the Virgin Islands and came to the States to obtain a college degree at American University. During his course of study he worked as an assistant in my office, becoming fully acquainted with the process of legislation and the work of a senatorial office. Furthermore, his contacts with the executive agencies has given him an insight into the responsibilities of executive departments. All of this background of education and experience has served him well in his new assignment as Government Secretary of the Virgin Islands.

The Daily News of St. Thomas, Virgin Islands, on Thursday, May 10, carries an excellent editorial entitled "Notable Native Son." This editorial pays appropriate tribute to Mr. King for his work on behalf of the people of the Virgin Islands. I ask unanimous consent that this editorial be printed in the RECORD.

I join with the editor of the Daily News in saluting Cyril King on his first year of service as Government Secretary. He has done well and has gained the confidence and the respect of the people of the islands.

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

NOTABLE NATIVE SON

The Honorable Cyril E. King recently observed the first anniversary of his assuming the important office of Government Secretary of the Virgin Islands.

Mr. King is a very personable example of a fundamental principle which is of inestimable worth to these islands. For many years we have been striving to persuade capable native sons to return home after service outside the territory. We have hoped that they would give us the benefit of their experience, and by so doing make these islands a better place in which to live.

Our Government Secretary, after distinguished service in Washington, did just that. The result has presaged a new era in good government in his department. During his year in his high office Mr. King has conducted himself in such a way as to make us proud of him as a Virgin Islander.

His devotion to duty—even in time of conflict and dissension—has been a healthy example for others to follow. He has dedicated himself to public service with an exceptionally high sense of integrity even at the risk of being misunderstood.

In an island populated by so many people who are insecure and frustrated in a period of abundance and confused by what they see, he has faced many problems and solved them firmly and with dispatch. The manner in which he has handled them makes us daily more confident of his ability.

It has been an inspiration to many to see this native son carry out the exacting demands of his office. And furthermore politicians are slowly but surely becoming aware of the fact that persons of value, integrity, and worth will be of great help in accomplishing for these islands what we have hoped for and looked forward to for years.

Examples of this awareness are votes of confidence given unanimously to King at recent party meetings in St. Thomas, St. Croix, and St. John. The spontaneity of these accolades was unmistakable.

Still another is the dinner being given in King's honor tomorrow night in Cruz Bay.

One of Mr. King's most valuable assets is that he has not let high station go to his head. In these days it is refreshing to find an administrator of outstanding ability who is also a likable fellow.

We congratulate this able public servant on his first year in office.

THE DAIRY INCOME STABILIZATION ACT

Mr. HUMPHREY. Mr. President, on behalf of the junior Senator from Minnesota [Mr. McCARTHY] and myself, I introduce, for appropriate reference, a bill to be cited as the "Dairy Income Stabilization Act."

I think it is time we put a stop to talking about the serious dairy problem of falling dairy prices and increasing dairy surpluses and to make a determined effort to solve it.

Returns on the labor and investment of dairy farmers have been among the lowest in U.S. agriculture. On dairy farms studied by the U.S. Department of Agriculture in major dairy areas, the returns on the farmer's and his family's labor, after a conservative allowance for investment, have ranged from 21 to 82 cents per hour since 1953. In 1960, the average returns per hour on the farms studied in these regions, after allowing for a 4.1 percent return on investment, were: western Wisconsin, 56 cents; eastern Wisconsin, 33 cents; central northeast—mostly New York—67 cents; southeastern Minnesota—dairy-hog farms—49 cents.

The inadequate returns dairy farmers receive for their hard labor and high investment have been discussed in recent weeks and months quite thoroughly by the senior Senator from Minnesota and by the junior Senator from Wisconsin [Mr. PROXMIRE] during discussions on the joint resolution that would have permitted continuation of the $5.40 per hundredweight support level for manufacturing milk through December. Such legislation was requested by the President in his farm message to the Congress on January 30, 1962, when he pointed out that the unexpected decrease in total consumption of milk during 1961 had resulted in a supply situation that, under the present law, necessitated the reduction on April 1 of the dairy price support level. The President pointed out that the present law—the Agricultural Act of 1949—does not provide a satisfactory dairy price support program for dairy farmers nor does it operate in the best interest of the taxpayers.

Since the need for enactment of an improved dairy program was so evident

and so urgent, it was the intention of the President that Congress should take action to make it possible to maintain dairy income at the 1961 level pending enactment of long-needed improved legislation.

As my colleagues are well aware, the dairy price support resolution was defeated in the Agriculture Committees of the Senate and the House of Representatives.

The failure of this resolution does not absolve the Members of the U.S. Congress from their responsibility to take every action in their power to correct the present law so that dairy farmers will be able to earn a satisfactory income without increasing Government expenditures.

Mr. President, the need for improved dairy legislation is not new. Dairy farmers, dairy organizations, general farm organizations, and the Congress have been struggling with this problem ever since April 1, 1953, when Secretary of Agriculture Benson gave dairy producers what he called "a year of grace" in which to come up with improved dairy program suggestions. This resulted in the first of the dairy so-called self-help programs—backed by the National Milk Producers Federation and the National Grange—a program that was turned down by Secretary Benson. This was the first of a series of substantial legislative proposals—among them the Dairy Stabilization Act of 1959, which it was my privilege to introduce in the Senate and which Representative JOHNSON, of Wisconsin, introduced in the House. There have been many dairy proposals during the years—and most of them would have improved the existing law. All have run into roadblocks—roadblocks set up sometimes by the Republican administration and the Republican Secretary of Agriculture who always opposed efforts by producers to secure an opportunity to bring some semblance of realistic balance between the demand for and the supply of their products. Sometimes the roadblocks were due to regional self-interests which refused to recognize that the problem was a national problem requiring a national solution.

Sometimes the roadblock was one that lies in wait for almost all legislation—the simple fact that it is easier to criticize and weaken and destroy a proposal than it is to improve it, bolster it, and make it acceptable to all interests.

This year the administration included in the omnibus farm bill which was sent to the Congress a carefully designed dairy program, the result of long hours of thought and work and meetings by dairy experts, dairy organizations, and dairy producers. This program faced up to the realities of the situation. It was based on a principle in which I believe, and in which almost every Member of this body believes—that producers, to be eligible for the protection and stability offered by dairy price support programs, should be willing to accept the restraints on production and marketing which would bring about orderly marketing.

Unfortunately, the omnibus farm bill, S. 3225, reported by the Senate Committee on Agriculture and Forestry does not include any proposals relating to the dairy situation.

I emphasize that this omission is not due to any failure on the part of the able Chairman of the Agriculture Committee. As a former member of that Committee I am fully appreciative of the skill and patience and devotion that the senior Senator from Louisiana brings to the discharge of his responsibilities. I am quite aware that the chairman shares my belief that producers should be permitted to be responsible participants in supply-adjustment programs. I am quite aware that the chairman thoroughly explored numerous paths in an attempt to reach a central workable solution to the dilemma of the dairy farmer. That no solution was reached certainly was not the fault of the chairman.

The bill which I and my colleague from Minnesota are introducing today is a combination of some of the emergency and long-range dairy programs that have been discussed in recent months. It proposes short-term transitional programs that will lead to a permanent long-range program. It is our hope that a full Senate discussion of this proposal may take place—possibly during the approaching debate on the committee-reported farm bill—while there is still time for responsible action to be taken in this session of Congress.

The need for new legislation is urgent. Developments during the past year emphasize the shortcomings of the present dairy support program. Milk production increased 2.2 percent, a little more than population. Total consumption of milk and its products in the commercial market unexpectedly declined about 1.5 percent. This is in contrast to the increase in total consumption in every recent year as population increased. The increase in 1960 was 1 percent. During the 1961–62 marketing year, Government purchases and expenditures increased. Purchases totaled 435 million pounds of butter, 194 million pounds of cheese, and 1,275 million pounds—delivery basis—of nontfat dry milk. The size of the surplus, and seriousness of the problem, are further indicated by the fact that these purchases removed from the market nearly 9 percent of the total milkfat and 13 percent of the nonfat milk solids in the total farm sales of milk and cream.

Mr. President, I ask unanimous consent that a table showing the annual net expenditures by the Government on price support programs for dairy products since July 1, 1953, be printed in the RECORD at this point in my remarks.

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

[In millions of dollars]

Fiscal year (July–June)	CCC net expenditures [1]	Military milk [2]	Sec. 32 expenditures [3]	Total (excluding special milk)	Special milk
1953–54	400.6	----------	74.0	474.6	----------
1954–55	221.0	$1.0	24.4	246.4	17.2
1955–56	218.0	7.3	39.0	264.3	45.8
1956–57	206.0	16.4	75.6	298.0	60.4
1957–58	195.4	30.4	123.7	349.5	66.3
1958–59	99.3	23.0	106.2	228.5	74.2
1959–60	149.9	23.6	35.1	208.6	80.5
1960–61	170.4	25.3	82.1	277.8	84.3
1961–62 (estimated)	541.2	25.7	46.7	613.6	95.0
Total	2,201.8	152.7	606.8	2,959.3	523.7

[1] CCC purchase and other costs (processing, repackaging, transportation, storage, and handling), less proceeds from sales (including sales to sec. 32).
[2] CCC reimbursements to military agencies, Veterans' Administration and other participants.
[3] Sec. 32 expenditures for purchases from CCC and direct purchases in the market.

Mr. HUMPHREY. Mr. President, while the Government has made rather substantial expenditures for investments in dairy products since 1953—and the table I have just placed in the RECORD reveals those expenditures—it should be noted that the milk or dairy products have been of great help to us, both at home and abroad—at home, in terms of the school-lunch program, the emergency feeding programs for the unemployed, the needy, and persons on public assistance, and for the general milk program for young persons; abroad, in terms of the powdered milk program, in particular, and the availability of supplies of cheese and butter, which have been of great benefit to us in our economic assistance efforts and in our humanitarian programs of relief and charity in many of the food-deficits areas of the world.

Whatever kind of dairy program is ultimately adopted, it must make room for the availability of supplies for our domestic needs—for those who are on public assistance or are unemployed, for the children in our schools, and for needy persons in every area of the country.

Furthermore, a sensible supply program for dairy products or other food products must make available the necessary quantities of food for our oversea efforts. The food for peace program is now an integral part of our foreign policy. It is a basic part of our economic policy. Surely, it is one of the more effective instruments of our programs for national security.

So I wish to make it quite clear that any supply adjustment program I recommend takes into consideration the needs at home and abroad, because they are clear needs, needs that have been established and are ascertainable.

The only way to assure adequate prices and incomes for farmers when supply is seriously outrunning demand is to provide a mechanism whereby supply can be brought into reasonable balance with demand and program uses.

When I speak of demand and program uses, I include the needs at home and abroad under well-planned, well-designed programs.

The proposed transitional dairy income stabilization program would do this and at the same time would meet the two major requirements of an effective program:

First. To protect and improve dairy farmers incomes;

Second. To keep Government costs at a reasonable level, and limit the purchases of dairy products to quantities that can be used in the national interest in school lunch, welfare, and foreign assistance outlets, in order to assure continuing acceptance by the public.

The proposed program is based on four central principles:

First, the right of farmers, with approval by a two-thirds referendum vote, to manage their milk supplies. The basic purpose of "supply management" is to give farmers the opportunity to raise and maintain their incomes at more satisfactory levels than would be possible with unlimited production, but with total costs to the Government held to a level which the public is willing to accept. Since farmers would be the primary beneficiaries, they would decide in a referendum each year, with a two-thirds majority vote required for approval, whether the supply management features would go into effect. In other words, this is to be representative government at the economic level in terms of the farmers themselves accepting the responsibility for their own programs of supply management.

Second, price, income and supply objectives that are fair both to farmers and the general public. The proposed legislation would authorize price support as near 90 percent of parity as would be feasible, considering supply in relation to demand, willingness of producers to adjust supplies, outlets for acquisitions, and the needs of farmers for adequate incomes.

The minimum support level would continue to be 75 percent of parity—as under present law when supply management provisions were in effect. The minimum support level, if producers choose unlimited production, would decrease by 5 percent of parity per year for 5 years.

In other words, if the farmers reject programs of supply management in a referendum, then each year for 5 years the support level will drop 5 percent: In the first year, it will drop from a minimum of 75 percent to 70 percent; the second year, to 65 percent; the third year, to 60 percent; the fourth year, to 55 percent; and the fifth year, to 50 percent of parity. In other words, there would be a 5-percent drop each year for 5 years. Prices would be supported at levels as much above these minimum levels—up to 90 percent—as could be carried out by buying quantities of dairy products which could be used in school lunch and other available outlets, up to a total cost of $300 million, with or without supply management.

In other words, we will meet our needs for the domestic programs which Congress has authorized, but we will not have an open-end checking account. There will be a limit. The limit will be established by the proposal of my colleagues and myself at $300 million, which is substantially below any expenditures of the Government at the present time.

Third, assistance by the public in easing the burden of adjusting production and marketings to demand. The new program would not require dairy farmers to reduce their marketings of milk below their 1961–62 marketings, at least during the next 3 transitional years. Instead, they would be offered surplus reduction payments of up to $2.50 per hundredweight for voluntarily agreeing to reduce their marketings from 7½ percent up to 25 percent—or 30,000 pounds a year if that is larger—below their marketings in 1961–62. Also the Secretary could purchase and cancel normal marketing levels voluntarily offered for sale by producers.

In other words, in order to secure voluntary compliance, the Government will not only provide reasonable price supports, but will offer an incentive, as it does for compliance under the feed grain program. That incentive would be as high as $2.50 a hundredweight for those who cooperate and reduce their production below their 1961–62 marketings.

When supply management, approved by producers, is in effect on or after April 1, 1963, there would be surplus marketing fees on excess marketings in order to discourage other producers from increasing the surplus and offsetting the effects of reductions by cooperators. These measures would help to bring supplies into satisfactory balance with demand within a few years. The cost of support operations and payments would be borne by the Government and any fees collected.

Fourth, a gradual transition toward reduced price-support operations and Government costs if farmers do not approve the supply management provisions. The proposed program would allow this to be done by reducing the minimum price-support floor if supply management is not in effect by 5 percent of parity each year. The actual support price would be higher than the floor, however, so long as it did not result in acquiring products in excess of amounts that could be used in the national interest, up to a total cost of $300 million per year.

If the proposed legislation is enacted at this session of Congress, it will not be practical to conduct a referendum and apply surplus marketing fees for the remainder of the 1962–63 marketing year. However, establishment in the legislation of the 1961–62 marketing year as the base period for future years' programs would remove any incentive for producers to further expand their milk production in 1962. Enactment this year would make it possible (1) to restore price supports to the 1961–62 level of $3.40 per hundredweight as soon as the legislation is approved, and (2) to offer surplus reduction payments to producers who agreed voluntarily to reduce their marketings of milk below their 1961–62 marketing year level.

For purposes of the supply management provisions, each producer's "normal marketing level" would be his marketings in the 1961–62 marketing year subject to adjustments.

The program would operate as follows by marketing years:

In the 1962–63 marketing year from effective date of the act until March 31, 1963:

First. Price support would be restored by the Secretary to $3.40 per hundredweight.

Second. Surplus reduction payments of up to $2.50 per hundredweight of milk equivalent would be made to farmers who voluntarily agreed to reduce their marketings below their 1961–62 marketings; and the Government could buy and cancel "normal marketing levels" when offered voluntarily by producers and when this would conform to the purposes of the program.

Third. No producer allotments would be established, and there would be no surplus marketing fees levied against producers who marketed more milk than in 1961–62; hence there would be no need for a referendum.

Fourth. Any marketings of milk in excess of 1961–62 would not be considered in establishing producers' normal marketing levels for future programs.

Marketing year beginning April 1, 1963:

First. Price support would be continued by the Secretary at the highest level consistent with the considerations set forth in the act and as near to 90 percent of parity as feasible if producers approved supply management provisions in referendum to be held early in 1963.

Second. Surplus reduction payments of up to $2.50 per hundredweight would be made to farmers who voluntarily reduce their marketings below 1961–62; and the Government could buy and cancel normal marketing levels when offered by producers.

Third. No producer would be required to reduce his marketings below 1961–62, but surplus marketing fees of up to $2.75 a hundredweight would be assessed on all marketings by producers in excess of their normal marketing levels based on their 1961–62 marketings.

Fourth. If producers vote against the supply management provisions, price supports would be set at not less than 70 percent of parity or such higher level as the Secretary estimates will result in acquiring no more dairy products than can be utilized in the national interest, including domestic school lunch and welfare and foreign assistance programs, up to a total acquisition cost of $300 million.

Marketing year beginning April 1, 1964:

First. Price supports would be set as near to 90 percent of parity as feasible if producers have approved supply management by a two-thirds vote in a referendum.

Second. Surplus reduction payments, and purchase and retirement of normal market levels would continue as in 1963–64, if necessary, to adjust supplies to demand.

Third. No producer would be required to reduce his marketings below 1961–62, but surplus marketing fees would be assessed on marketings in excess of 1961–62 marketings.

Fourth. If producers vote against supply management, price supports would be set at not less than 65 percent of parity or such higher level as the Secretary estimates will not result in acquiring more dairy products than can be utilized in the national interest in program outlets, up to a total acquisition cost of $300 million.

Marketing year beginning April 1, 1965, and in subsequent marketing years:

First. Price supports would be set as near 90 percent of parity as feasible if producers have approved the supply management provisions by a two-thirds vote in a referendum.

Second. Surplus reduction payments and purchase of bases would not be continued, since supply should be in balance with demand without reducing producer allotments below the 1961–62 marketings, as a result of the growth of population and voluntary retirement of producers' normal marketing levels.

Third. No producer would be required to reduce his marketings below 1961–62, but surplus marketing payments would be assessed on sales in excess of their 1961–62 marketings or of their marketing allotments. When demand increases producers' allotments could be increased.

Fourth. If producers vote against supply management for any year beginning on or after April 1, 1965, price supports would be set at not less than 60 percent of parity in 1965–66, not less than 55 percent of parity in 1966–67 and not less than 50 percent of parity in 1967–68, and subsequent years, or such higher levels as the Secretary estimates will result in acquiring dairy products not in excess of the amount that can be utilized in the national interest in program outlets, up to a total acquisition cost of $300 million.

Mr. President, I have asked the Department of Agriculture to prepare an economic analysis of this dairy income stabilization program. I ask unanimous consent that the Department's analysis as well as the text of the bill appear in the RECORD at the conclusion of my remarks. I also ask unanimous consent to include in the RECORD at the conclusion of my remarks a synopsis of the Dairy Income Stabilization Act and a letter to me from Secretary of Agriculture Orville L. Freeman dated May 14, 1962, in this regard.

There being no objection, the analysis, the text of the bill, the synopsis, and the letter were ordered to be printed in the RECORD, as follows:

Dairy income stabilization proposal—Estimates of program operating results

1. 1962–63 current marketing year:	
(a) Under existing law:	
Support price (per hundredweight)	$3.11
Expenditures for purchases	525,000,000.00
(b) Under transitional program:	
Support price (per hundredweight):	
April–September	3.11
October–March	3.40
Expenditures for purchases	475,000,000.00
Reduction payments	40,000,000.00
Total program expenditures	515,000,000.00
Amount dairy farm income would exceed 1962–63 income at $3.11 support	65,000,000.00
2. 1963–64 marketing year:	
(a) Transitional program approved in referendum:	
Support price (per hundredweight)	3.40
Expenditures for purchases	209,000,000.00
Reduction payments	146,000,000.00
Total program expenditures	355,000,000.00
Amount dairy farm income would exceed 1962–63 income at $3.11 support	200,000,000.00
(b) Transitional program rejected in referendum:	
Support price at 70 percent of parity (per hundredweight)	2.90
Expenditures for purchases	480,000,000.00
Amount dairy farm income would be below 1962–63 income at $3.11 support	210,000,000.00
3. 1964–65 marketing year:	
(a) Transitional program approved in referendum:	
Support price (per hundredweight)	$3.40
Expenditures for purchases	189,000,000.00
Reduction payments	146,000,000.00
Total program costs	335,000,000.00
Amount dairy farm income would exceed 1962–63 income at $3.11 support	200,000,000.00
(b) Transitional program rejected in referendum:	
Support price at 65 percent of parity (per hundredweight)	2.70
Expenditures for purchases	395,000,000.00
Amount dairy farm income would be below 1962–63 income at $3.11 support	425,000,000.00
4. 1965–66 marketing year:	
(a) With allotments approved:	
Support price (per hundredweight)	3.40
Expenditures for purchases	325,000,000.00
Amount dairy farm income would exceed 1962–63 income at $3.11 support	220,000,000.00
(b) With allotments rejected:	
Support price at 60 percent of parity (per hundredweight)	2.50
Expenditures for purchases	280,000,000.00
Amount dairy farm income would be below 1962–63 income at $3.11 support	650,000,000.00

S. 3302

A bill to afford dairy producers the means by which they may adjust their marketings of milk more nearly to equal demand and to improve and stabilize their price returns

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Dairy Income Stabilization Act."

SEC. 2 Section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446), is further amended by (i) inserting in the first sentence the word "and" before the word "honey," (ii) by deleting from such sentence the words "milk, butterfat, and the products of milk and butterfat," and (iii) by deleting subsection (c) in its entirety.

LEGISLATIVE FINDING

SEC. 3. Milk is a basic source of the Nation's food supply. Dairy farming, which is carried on in every State of the Nation and is an important source of farm income, constitutes a vital segment of the agricultural and national economy. It is in the national interest that there be adequate and balanced supplies of milk. Surpluses of milk result in low prices to producers and impair their purchasing power; shortages result in unreasonably high prices to consumers and the loss of markets for producers. Recurring shortages and surpluses cause undesirable fluctuations in prices to producers and consumers, unstable farm income, and disorderly marketing practices. The general welfare requires that interstate and foreign commerce be protected from the harmful effects of imbalances in the supply of milk and dairy products. All marketings of milk and dairy products are either in the current of interstate and foreign commerce or directly affect such commerce. The intrastate marketing of milk and dairy products is in competition with the marketing of milk and dairy products in interstate and foreign commerce. Milk and dairy products which enter directly into the current of interstate and foreign commerce cannot be effectively regulated without regulating that part within the State of production. The conditions affecting the production and marketing of milk and dairy products are such that, without Federal assistance, farmers individually or in cooperation cannot maintain a flow of an adequate and balanced supply of milk in interstate and foreign commerce at prices fair and reasonable to producers and consumers.

GENERAL DEFINITIONS

SEC. 4. For the purposes of this subtitle—

(a) The term "interstate commerce and foreign commerce" includes the movement of milk and dairy products in commerce between any State or the District of Columbia and any place outside thereof, or within the District of Columbia.

(b) The term "affect interstate and foreign commerce" means, among other things, to burden, obstruct, impede, or otherwise affect interstate and foreign commerce, the free and orderly flow thereof, or the production, storing, processing, marketing, or transportation of milk and dairy products for or in such commerce or after transportation therein.

(c) The term "Secretary" means the Secretary of Agriculture.

(d) The term "milk" means bovine milk, including any classification, type, or grade thereof.

(e) The term "fluid milk" means milk produced to meet the needs for consumption by humans as whole milk, cream, skim milk, or any mixture thereof.

(f) The term "marketing year" means the 12-month period beginning April 1 of each calendar year.

(g) The term "marketing period" means one of four successive periods of three successive calendar months in a marketing year.

(h) The term "national marketing allotment" for milk for any marketing year shall be the quantity of milk which the Secretary determines, taking into consideration the carryover as of the beginning of the marketing year, should be produced in the continental United States, excluding Alaska, in order to make available for such marketing year a quantity of milk equal to (1) the estimated consumption during such year in commercial markets at prices reflecting the price support level and in school lunch and child milk programs and other outlets of the Federal Government, within the United States, its territories and possessions, and Puerto Rico, (2) estimated exports during such year, including exports under foreign assistance programs, and (3) an allowance for carryover, minus (4) the estimated marketings during such year in excess of marketing allotments.

(i) The "allowance for carryover" shall be such amount of milk as the Secretary determines will provide an adequate carryover, taking into consideration the need for maintaining an adequate, dependable, and continuous supply of milk, and such other factors as the Secretary deems appropriate.

(j) "Producer" means any person who is engaged in the production of milk or butterfat for market.

(k) The term "person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate or any other business entity.

(l) "First processor" means (1) any person, other than a retail store or establishment serving food for consumption on the premises, who receives, purchases, or acquires milk or dairy products from a milk producer for disposition in any form to others, and (2) any producer who disposes of milk or dairy products directly to consumers, retail stores, and establishments serving food on the premises.

(m) "Dairy income stabilization program" means a program submitted for approval by producers in a referendum as provided in this act.

SEC. 5. In order to afford producers the opportunity and the means by which they can (i) adjust their marketing of milk more nearly to equal demand, thus increasing their net returns and reducing Government purchases under its price support program, and (ii) receive prices for their milk and dairy products supported at such levels as the Secretary determines to be appropriate in the light of the factors enumerated in section 6 of this Act, the Secretary is hereby authorized and directed, through the Commodity Credit Corporation and other means available to him, to make available to producers for the marketing year ending March 31, 1963, and each marketing year thereafter, a dairy income stabilization program as set forth in the following sections of this subtitle.

PRICE SUPPORT

SEC. 6. The Secretary shall, through the Commodity Credit Corporation and other means available to him, support the price of milk, through purchases of milk and dairy products, at a level not in excess of 90 per centum of the parity price for milk as of the beginning of the marketing year for which the price support applies, but as near such maximum level as the Secretary determines appropriate, taking into consideration (i) the supply of milk in relation to the demand therefor, (ii) the importance of milk to agriculture and the national economy, (iii) the ability to dispose of stocks of dairy products acquired through price support operations, (iv) the ability and willingness of producers to keep supplies in line with demand, and (v) the need of dairy farmers for a fair return on their labor and investment: *Provided*, That for any marketing year commencing on or after April 1, 1963, for which producers do not approve a dairy income stabilization program, or for any marketing year commencing on or after April 1, 1965, for which producers approve such a program, the level of price support shall not be such as the Secretary estimates will result in the acquisition under the price support program of quantities of milk and dairy products (i) which will be in excess of those quantities which can be utilized in the national interest, including school lunch, domestic welfare, and foreign assistance, and (ii) which will have a total acquisition cost (volume times unit purchase price) in excess of $300,000,000 plus an amount equal to the surplus marketing fees to be collected for such marketing year if marketing allotments are in effect: *Provided further*, That, in no event, if producers do not approve a dairy income stabilization program for any marketing year commencing on or after April 1, 1963, the level of price support for milk during such marketing year shall be not less than as set forth in the following table:

	Percent of parity
April 1963–March 1964	70
April 1964–March 1965	65
April 1965–March 1966	60
April 1966–March 1967	55
April 1967 and thereafter	50

Notwithstanding the foregoing provisions, price support shall be not less than 75 per centum of parity during the remainder of the marketing year ending March 31, 1963, and during any marketing year for which producers approve a dairy income stabilization program.

NORMAL MARKETING LEVELS

SEC. 7. The Secretary shall establish a normal marketing level for each producer who desires to enter into an agreement with Commodity Credit Corporation pursuant to section 12 of this Act, and, if producers approve a dairy income stabilization program for any marketing year, the Secretary shall establish a normal marketing level for each producer in the continental United States, excluding Alaska, who at the beginning of the marketing year for which such normal marketing level is to be established is engaged in the production of milk for market. Such normal marketing level shall be the number of pounds of milk, or the number of pounds of milk fat, or such units of dairy products as the Secretary may deem appropriate for the administration of this title, which the producer or his predecessor disposed of in commercial channels during the marketing year commencing April 1, 1961: *Provided*, That the Secretary shall make such adjustment in a producer's normal marketing level as the Secretary deems necessary for abnormal conditions affecting production or marketing, including but not limited to flood, drought, disease of herd, personal health, investments, and acquisitions or dispositions of cows and other production facilities which occurred before the effective date of this Act: *Provided further*, That, if a producer had no marketings during any part of such year, the Secretary may establish a normal marketing level for such producer which he determines to be fair and equitable, taking into consideration the marketings of the former operator of the milk production facilities, special investments and specialized training in dairy farming which occurred before the effective date of this Act, and other factors which the Secretary determines should be considered in establishing a fair and equitable normal marketing level: *Provided further*, That where two or more producers are engaged in milk production and marketing on a share or similar basis, the normal marketing level may be deemed to be a joint normal marketing level of the interested parties, and in the event of dissolution of such arrangement, the normal marketing level shall be transferred or divided as mutually agreed between or among such parties, or on such other basis as the Secretary determines to be fair and equitable, taking into consideration their relative investments and facilities and other factors which the Secretary determines should be considered. A producer's normal marketing level for a marketing year shall be apportioned by the Secretary among the marketing periods thereof in accordance with the producer's marketing pattern in 1961–62 or as otherwise will enable the producer to carry out his herd management plans for the marketing year. The quantity thus apportioned to a marketing period shall be the producer's normal marketing level for such period.

SEC. 8. The Secretary shall prescribe such conversion factors as he determines necessary for use in determining the quantity of milk marketed by producers who market their milk in the form of farm-separated cream, butterfat, or other dairy products.

SEC. 9. The quantity of milk or milk products by which a producer reduces his marketings during any marketing year pursuant to his agreement under this subtitle shall be considered as having been produced and marketed by him for the purpose of determining his normal marketing level for any subsequent marketing year.

SEC. 10. A producer may, to such extent and subject to such terms and conditions as the Secretary may prescribe, transfer his normal marketing level, or any part thereof, to any other producer or prospective new producer who agrees to utilize such normal marketing level for the disposition in commercial channels of milk, butterfat, or dairy products produced in the same State as that in which the transferer engaged in production, or any State adjacent thereto, or in such other State or area as the Secretary may authorize.

SEC. 11. The Secretary may utilize funds available for price support for milk to purchase and cancel normal marketing levels voluntarily offered by producers for sale, if he determines that (i) the cost of such purchase and cancellation will be less than the added cost of carrying out price support operations if such normal marketing levels were to remain in production, and (ii) such purchase and cancellation will aid in effective operation of the price support program and will further the purposes of this Act.

SURPLUS REDUCTION PAYMENTS

SEC. 12. To provide compensation to producers who voluntarily reduce their marketings of milk or butterfat during the marketing years commencing April 1, 1962, 1963, and 1964, respectively, the Commodity Credit Corporation is hereby authorized to make surplus reduction payments to any producer in the continental United States, excluding Alaska, who agrees to reduce, during any one or more marketing periods of such marketing years, his marketings to a level more than 7½ per centum but not more than the larger of 25 per centum or 7,500 pounds of milk equivalent below the lower of (i) his normal marketing level for each such marketing period or (ii) the level of marketings which the Secretary estimates would be marketed by the producer during each such marketing period if he continued to market at the rate of his marketings when he first enters into an agreement, adjusted for seasonal variation: *Provided*, that Commodity Credit Corporation shall, to the maximum extent practicable, limit such agreements so as not to reduce marketings in any dairy district below the quantity of milk which the Secretary estimates will assure consumers an adequate supply or by more than 10 percent of the total normal marketing levels for the marketing year established for producers within such dairy district. For this purpose, the Secretary shall divide the continental United States, excluding Alaska, into 15 dairy districts each having therein approximately the same proportion of total milk production. Commodity Credit Corporation may utilize surplus marketing fees paid to it under this Act, together with any other funds available to it for the purpose of price support, for the making of surplus reduction payments pursuant to such agreements. The rate of such payment shall not exceed such rate as the Secretary determines will effectuate voluntary reduction in marketings by producers, but in no event shall exceed the equivalent of $2.50 per hundredweight, basis 3.82 percent butterfat content. Such payments shall be made to a producer only with respect to that portion of his reduction during a marketing period which is equal to the quantity by which his total marketing during such period is below the lower of his levels designated in the preced-

ing clauses (i) and (ii), and the amount of such payments, if he fails to reduce his marketings to the maximum extent required by his agreement, shall be reduced by an amount equal to 20 percent of what would have been the payment on the quantity of milk which he failed to reduce.

Agreements entered into hereunder may contain such terms and conditions as the Secretary determines necessary to effectuate the purpose of this section and to assure to the fullest extent practicable that producer's reduction in marketings is not offset through his transfer of milk cows to another producer for expansion of his production and marketing of milk or milk products.

PRODUCER REFERENDUM

SEC. 13. Not later than 30 days prior to the marketing years commencing on April 1, 1963, and April 1, 1964, and prior to each subsequent marketing year for which the Secretary determines that, in order to provide for an adequate support level, it will be necessary to have marketing allotments, the Secretary shall conduct a referendum, by secret ballot, of producers who during the preceding calendar year marketed not less than 5,000 pounds of milk to determine whether they approve the institution of a dairy income stabilization program for the marketing year commencing April 1 following such referendum. Producers shall be deemed to approve such a program if the Secretary determines that two-thirds of the producers who voted in the referendum approve such program. Before the referendum, the Secretary shall determine and announce for the marketing year immediately following such referendum (i) the support price which will be in effect if producers approve the dairy income stabilization program and (ii) the support price which will be in effect if producers do not approve such program. The Secretary shall, upon determination of the results of the referendum, promptly proclaim such determination.

PRODUCER MARKETING ALLOTMENTS

SEC. 14. If on or before February 1 preceding any marketing year commencing on or after April 1, 1965, the Secretary determines that, in order to provide price support for such marketing year at the level he deems appropriate pursuant to this Act, it will be necessary to have marketing allotments, he shall proclaim in advance of the referendum (i) that, subject to approval of a dairy income stabilization program by producers voting in a referendum, marketing allotments shall be in effect for milk and milk products marketed by producer in such marketing year, and (ii) the marketing allotment percentage for such year. If the Secretary determines that more than one-third of the producers voting in such referendum do not approve a dairy income stabilization program for such marketing year, such marketing allotments shall become ineffective upon proclamation of the results of the referendum.

SEC. 15. (a) If marketing allotments are proclaimed for any marketing year, the Secretary shall determine the marketing allotment percentage for such year by dividing the national marketing allotment for such year by the estimated aggregate of all producers' normal marketing levels. Each producer's marketing allotment for a marketing period shall be determined by multiplying his normal marketing level for such period by the marketing allotment percentage: *Provided*, That the Secretary may, if he determines that it will not impair effective administration of this Act, prescribe a minimum marketing allotment of not to exceed 5,000 pounds of milk annually for any producer holding a normal marketing level.

(b) The Secretary may, from time to time during the marketing year, review his determination of the national marketing allotment. If, as a result of such review, he determines that the national marketing allotment should be increased because of a substantial change in any of the factors entering into the determination of such allotment, he may increase such allotment to the extent he determines warranted by the change in such factors. If the national marketing allotment is increased, the Secretary shall proclaim the resulting increase in the marketing allotment percentage and the date on which it shall become effective for marketings during the remaining portion of the marketing year. The Secretary may not decrease during any marketing year the marketing allotment percentage proclaimed for such year.

SURPLUS MARKETING FEES

SEC. 16. (a) Whenever the Secretary proclaims that producers have approved a dairy income stabilization program for any marketing year commencing on or after April 1, 1963, the following marketings of milk and milk products in the continental United States, excluding Alaska, during any quarterly marketing period of such marketing year shall be subject to a surplus marketing fee: (i) Marketings by a producer in excess of his normal marketing level for such period if normal marketing levels are in effect and marketing allotments are not in effect, (ii) marketings by a producer in excess of his marketing allotment for such period if marketing allotments are in effect, and (iii) all marketings by a producer who has no normal marketing level for such period, if normal marketing levels are in effect. The amount of the fee shall be established and announced by the Secretary in advance of the marketing period to which it applies. Such marketing fee shall be that amount, not in excess of $2.75 per hundredweight which the Secretary estimates will discourage production of such excess marketings.

(b) The surplus marketing fee shall be paid to the Commodity Credit Corporation by the first processor who acquires from a producer milk or milk product which is subject to a surplus marketing fee, but an amount equivalent to the surplus marketing fee may be deducted from the price paid by the first processor to the producer: *Provided*, That in case any milk or milk product is marketed directly by the producer to any person outside the United States, the surplus marketing fee shall be paid and remitted by the producer. For the purpose of this section a first processor who is also a milk producer shall be deemed to have acquired that portion of his production the marketing of which is subject to a surplus marketing fee. Such surplus marketing fee shall become due and payable within fifteen days following the marketing period in which the first processor receives from any producer milk or milk products subject to such marketing fee or at the end of such other period of time as the Secretary may prescribe. The first processor and the producer shall be jointly and severally liable for any default in the payment of the surplus marketing fee and for interest thereon at the rate of 6 per centum per annum from the date such fee becomes due until the date of payment thereof except that the producer shall not be liable for any such default if the amount of the fee was deducted by the first processor from the price paid to the producer. Any termination of marketing allotments shall not affect liability for payment of surplus marketing fees with respect to milk or any product thereof marketed prior to such termination.

(c) The Commodity Credit Corporation shall refund to persons determined by the Secretary to be entitled thereto the amount of surplus marketing fees determined by the Secretary to have been erroneously paid to Commodity Credit Corporation. A person who has marketed in a marketing period in excess of (i) his normal marketing level if marketing allotments are not in effect or (ii) his marketing allotment if allotments are in effect, and who has marketed less than his applicable normal marketing level or marketing allotment in a subsequent marketing period within the same marketing year shall be eligible for a refund of, and upon application by him Commodity Credit Corporation shall refund to him, an amount of surplus marketing fee equal to the rate of fee applicable to excess marketings in such subsequent marketing period multiplied by the quantity by which his marketings were less than his applicable normal marketing level or marketing allotment in such subsequent marketing period, but not to exceed the amount of surplus marketing fee paid to Commodity Credit Corporation on his earlier excess marketings in the same marketing year.

(d) In case any person who is entitled to a surplus reduction payment or a refund of surplus marketing fees dies, becomes incompetent, or disappears before receiving such payment or refund, or is succeeded in law by another, the payment or refund shall, without regard to other provisions of law, be made as the Secretary may determine to be fair and reasonable in all circumstances. The basis for, the amount of, and the persons entitled to receive, a surplus reduction payment or a refund of a surplus marketing fee from Commodity Credit Corporation, when determined in accordance with regulations prescribed by the Secretary, and the amount of any payment or surplus marketing fee established by the Secretary, shall be final and conclusive.

DAIRY STABILIZATION ADVISORY COMMITTEE

SEC. 17. (a) There is hereby created a Dairy Stabilization Advisory Committee consisting of twenty-one members with an alternate member for each such member. Fifteen of such members and their respective alternates shall be producers and shall be elected as provided in subsection (b) of this section. Six of such members and their respective alternates shall be appointed by the Secretary, four of whom shall be processors or marketers of milk and dairy products or members, employees, or officers of firms engaged in the processing or marketing of milk or dairy products or representatives of associations of milk producers or farm organizations, one shall be a representative of consumer interests and one shall be an employee of the Department of Agriculture. The Secretary shall designate one member of the committee as chairman.

(b) In order to secure appropriate regional representation of the committee, the Secretary shall divide the continental United States, excluding Alaska, into fifteen dairy districts and shall so designate the districts as to include therein, insofar as is practicable, approximately the same proportion of total milk production. Each Federal dairy district shall be represented by one milk producer-member, and his alternate, on the committee. Each producer-member, and his alternate, shall be nominated and elected in such manner as the Secretary shall prescribe to assure representation of the majority of milk producers in each district. The Secretary shall conduct all elections for the selection of members and alternate members of the Dairy Stabilization Advisory Committee. and shall prescribe methods whereby each milk producer may vote in determining representation of his district on the committee. In making appointments to the Dairy Stabilization Advisory Committee, the Secretary shall give due consideration to securing representation of the various forms in which milk and its products are sold and of cooperative and other forms of management.

(c) Initial membership in the Dairy Stabilization Advisory Committee shall be equally divided between terms of two and four years, as designated by the Secretary, and, thereafter, each member and his alternate shall be elected or appointed for a

term of four years. Terms of committee members shall be based on calendar years and shall expire on the last day of the last calendar year of the election or appointment. Each member and alternate member shall hold office for the term of his election or appointment and until his successor shall have been elected or appointed and shall have taken office. Committee members and their alternates may be removed for cause or ineligibility by the Secretary. In the event any member is unable to attend any meeting of the Dairy Stabilization Advisory Committee or perform any task assigned to him, his alternate may attend such meeting or perform such task. A vacancy in the membership of the committee shall be filled by the respective alternate. In the event of a vacancy in an alternate membership, the Secretary shall appoint an alternate to fill the unexpired term.

(d) The Dairy Stabilization Advisory Committee shall meet at the call of the Secretary no less than twice a year, and shall advise with and make recommendations to the Secretary with respect to the administration of this Act. The Dairy Stabilization Advisory Committee shall keep minutes of its meetings which minutes shall be a matter of public record except for such portions thereof as the Secretary determines should be withheld from public information for a period of time (1) in the interests of the national security as classified material under Records Security Regulations, or (2) because premature public release of such information might result in market speculation or have an adverse effect on current program operations.

(e) The Secretary is authorized to pay to members (other than the member from the Department of Agriculture) of the Dairy Stabilization Advisory Committee for each day's attendance at meetings and while traveling to and from such meetings transportation expenses and, in lieu of subsistence, a per diem in such amount as the Secretary determines necessary not to exceed $25 per day. No salary or other compensation shall be paid.

REVIEW AND USE OF COMMITTEES

SEC. 18. The normal marketing level established for a producer shall, in accordance with regulations of the Secretary, be made and kept freely available for public inspection in the county in which such producer resides and in the county or counties in which his dairy herd or herds are maintained. In establishing and apportioning marketing levels, the Secretary may utilize the services of local county and State committees established under section 8 of the Soil and Conservation and Domestic Allotment Act and of agencies established to administer milk marketing orders issued under the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended. Notice of the normal marketing level shall be mailed to each producer as soon as practicable after its determination. Any producer who is dissatisfied with his normal marketing level may, within fifteen days after the date of mailing to him of the notice thereof, have such normal marketing level reviewed by a local review committee in accordance with standards prescribed by the Secretary. Such review committee shall be composed of three producers, appointed by the Secretary, from one or more of the counties in which the producer maintains his dairy herd or herds or counties adjacent thereto. Such committee shall not include any member of any other committee which determined the normal marketing level for such producer. Unless application for review is made within such period the original determination of the normal marketing level shall be final and conclusive.

MISCELLANEOUS

SEC. 19. The provisions of section 364 (relating to review committee), section 365 (relating to the institution of proceedings), section 366 (relating to court review) and section 367 (relating to stay proceedings and exclusive jurisdiction) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1364–1367), shall be applicable to reviews and proceedings under this Act. The provisions of subsections (a) and (b) of section 373 of the Agricultural Adjustment Act of 1938, as amended, relating to reports and records of processors and farmers shall be applicable to each first processor and to each producer, respectively, under this Act. The provisions of section 388 (relating to utilization of local agencies) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1388), shall be applicable in the administration of this Act. The several district courts of the United States are hereby vested with jurisdiction specifically to enforce the provisions of this Act. If and when the Secretary shall so request, it shall be the duty of the several district attorneys, under the direction of the Attorney General, to institute proceedings, to collect surplus marketing fees provided in this Act. The remedies and surplus marketing fees provided herein shall be in addition to and not exclusive of any other remedy under law.

SEC. 20. Whenever normal marketing levels are established under this Act, notwithstanding any provision of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.), any order issued under section 8c thereof may in addition to the provisions in section 8c (5) and (7) contain provisions for an adjustment in the uniform price for producers receiving surplus reduction payments for marketings below their normal marketing level. Under such provisions the total payments to such producers under an order shall be equal to (1) the uniform price multiplied by their normal marketing level minus (2) the lowest class price under the order multiplied by the amount by which such producers have reduced marketings below their normal marketing level. In the computation of the uniform price there shall be included, at the lowest class price, the volume of milk upon which producers will be entitled to marketing adjustment payments. For the purposes of this section a producer's normal marketing level shall be apportioned on a monthly basis. In the case of a producer part of whose normal marketing level is based on marketings which were not subject to regulation under the order during the representative period the Secretary shall apportion such producer's normal marketing level in accordance with his deliveries of milk in such representative period and the reduction in deliveries from the amount apportioned to the marketing area shall be considered in the calculation of the uniform price and payment under such order. The incorporation of provisions in an order hereunder shall be subject to the same procedural requirements of the Act as other provisions under section 8c.

SEC. 21. No person engaged in the purchase or handling of milk, milk fat, or dairy products shall discriminate against any producer who enters into an agreement with the Commodity Credit Corporation pursuant to this Act. The Commodity Credit Corporation shall not purchase dairy products from any person whom the Secretary determines practices such discrimination. The several district courts of the United States shall have original jurisdiction to hear and determine controversies arising under this section, without regard to the amount in controversy, and to enjoin and restrain any person or persons from discriminating or conspiring to discriminate against any producer in violation of this section.

SEC. 22. (a) The Secretary shall prescribe such regulations as are necessary for the enforcement and the effective administration of this Act.

(b) Costs incurred in the carrying out of the provisions of this Act, except section 20 hereof, shall be borne by the Commodity Credit Corporation and shall be considered as nonadministrative expenses of the Corporation.

SYNOPSIS OF PROPOSED DAIRY INCOME STABILIZATION ACT WITH TRANSITIONAL FEATURES

MAY 11, 1962.

1. Amendment of present law: Deletes the dairy price support provisions of Section 201 of the Agricultural Act of 1949, as amended.

2. Price support: Authorizes price support for milk, through purchases of milk and its products, as near 90 percent of parity as the Secretary determines appropriate, considering the supply in relation to demand, importance of milk, available outlets for price support stocks, willingness of producers to adjust supplies to demand, and need for adequate dairy farm income, subject to the following:

(1) For any marketing year commencing on or after April 1, 1963, for which producers do not approve a dairy income stabilization program, or for any marketing year commencing on or after April 1, 1965, for which they approve such a program, the level of support shall not be such as the Secretary estimates will result in purchases of more dairy products than can be used in the national interest, including school lunch, welfare, and foreign assistance, up to a total acquisition cost of $300 million plus any surplus marketing fees collected, and

(2) If more than one third of the producers voting disapprove a stabilization program for any marketing year commencing on or after April 1, 1963, the minimum support level shall be reduced 5 percent of parity each year through March 1967, after which the minimum shall be 50 percent.

(3) Price support shall be not less than 75 percent of parity through March 1963 and in any subsequent marketing year for which producers approve a stabilization program.

3. Normal marketing levels: The Secretary shall establish a "normal marketing level" for each producer who agrees to reduce his marketings and for all producers if producers approve supply management. It shall be the quantity of milk or its products marketed by producers in the 1961–62 marketing year, subject to adjustments for such factors as abnormal production or marketing conditions, flood, drought, herd disease, personal health, and investments and changes in production facilities before the effective date of the act. A producer's normal marketing level for the year shall be apportioned among marketing periods thereof in accordance with his marketing pattern in 1961–62 or as otherwise will enable him to carry out his herd management plans.

A producer may transfer part or all of his normal marketing level to another producer in the same or an adjoining State or other State as authorized by and subject to rules and regulations prescribed by the Secretary. The Secretary may buy and cancel normal marketing levels voluntarily offered for sale by producers if this will cost less than buying the milk products if produced and will effectuate the act.

4. Surplus reduction payments: Commodity Credit Corporation may make surplus reduction payments to producers who agree to reduce their marketings during the marketing years ending March 31, 1963, 1964, and 1965, between 7½ percent and the larger of 25 percent or 7,500 pounds of milk equivalent per marketing period (30,000 pounds a year), below the lower of his 1961–62

marketings or his current rate of marketings when he first enters into an agreement. Agreements are to be limited so as not to reduce marketings in any dairy district below an adequate supply or by more than 10 percent. The payment rate may be up to $2.50 a hundredweight of milk equivalent, basis 3.82 percent milkfat content.

5. Producer referendum: Before the marketing years commencing April 1, 1963, and April 1, 1964, and before the beginning of each subsequent marketing year for which the Secretary determines that, in order to provide for an adequate support level, it will be necessary to have marketing allotments, the Secretary shall conduct a referendum of producers who marketed 5,000 pounds of milk in the preceding calendar year. If two-thirds of those voting approve, the supply management provisions will be in effect.

6. Producer marketing allotments: If before any marketing year commencing on or after April 1, 1965, the Secretary determines that, in order to provide for an appropriate price support level, it will be necessary to have marketing allotments, he shall announce the marketing allotment percentage for such year which shall be in effect if two-thirds of the producers voting approve supply-management for that year. The allotment percentage shall be determined as follows:

The Secretary shall determine the "national marketing allotment" for the marketing year. This will be the quantity of milk which should be produced taking into account beginning and ending inventories, domestic consumption, school lunch and welfare uses, and exports including foreign assistance, minus estimated overallotment marketings. The national allotment percentage will be the national marketing allotment divided by the estimated total of all producers' normal marketing levels based on their 1961–62 marketings. Each producer's marketing allotment will be his normal marketing level multiplied by the national allotment percentage, except that the Secretary may prescribe a minimum allotment of not over 5,000 pounds of milk a year which any producer may market without paying the fee. The Secretary may increase, but not decrease, the allotment percentage during a marketing year.

7. Surplus marketing fees: Whenever producers have approved a supply management dairy income stabilization program for any year commencing on or after April 1, 1963, a surplus marketing fee will be assessed on all milk and milk products marketed by any producer in excess of his normal marketing level if no allotments are in effect, or in excess of his allotment if allotments are in effect. The fee shall be that amount, up to $2.75 per hundredweight which will discourage production of overallotment milk. The fee shall be paid to Commodity Credit Corporation by the first processor who acquires such excess milk products from a producer, except that a producer who markets his milk directly to consumers, retail stores, and restaurants will pay it to CCC. A producer who has marketed in excess of his normal marketing level or allotment in a marketing period and has offset this by undermarketing in a subsequent marketing period within the same marketing year will be eligible for a refund of part or all of the fees paid.

8. Advisory committee: Creates a Dairy Stabilization Advisory Committee of 21, of whom 16 shall be producers elected by producers in 15 dairy districts, to advise and make recommendations to the Secretary on administration of the program.

9. Review committees: A producer who is dissatisfied with his normal marketing level could have it reviewed by a local committee of producers appointed by the Secretary.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 14, 1962.

Hon. HUBERT HUMPHREY,
U.S. Senate.

DEAR HUBERT: This is in response to your letter of May 9 enclosing a draft of a proposed Transitional Dairy Income Stabilization Act and requesting an appraisal of the probable operating results of such a program. The major features of the proposed act are as outlined in the attached summary. The following is a summary of the results of our analysis of these provisions, including answers to the questions you raised.

The Department has previously expressed its desire to restore dairy price support to the 1961–62 level of $3.40 per hundredweight. If this legislation were adopted, price support would be restored to that level for the remainder of the 1962–63 marketing year.

The support levels for subsequent years would be determined and announced before the beginning of each marketing year at levels as near to 90 percent of parity as possible. For purposes of estimating the probable effects, on a comparable basis, however, it is assumed in these calculations that price support would continue at $3.40 per hundredweight. If demand and market conditions warrant, and if participation in the voluntary surplus reduction and base retirement programs is at a good level, price and income improvement might progress more rapidly than shown at the assumed $3.40 support level.

It also is assumed that, as a result of voluntary agreements by producers to reduce their marketings, and the Government purchase and cancellation of "normal marketing levels" voluntarily offered by producers, total marketings of milk and its products during the last half of 1962–63 would be about 3 percent smaller and during 1963–64 and 1964–65 would be about 5 percent smaller than in the 1961–62 base period. It is reasonable to expect that there would be enough normal marketing levels bought and canceled and enough improvement in market demand by 1965 so that it would not be necessary at any time in the future to make allotments less than 100 percent of the 1961–62 base period marketings.

The estimates set forth below assume that the legislation would be enacted in time to get the transitional features in operation by October 1, 1962. No referendum would be required to put the program into operation for the balance of the current marketing year. For subsequent years, the probable program costs and effects upon dairy farm income are shown both on the basis of approval by farmers in referendums of the stabilization program, and if they reject the program.

In the prospective supply and demand situation, if producers rejected the stabilization program, market prices undoubtedly would be at the minimum support levels of 70 and 65 percent of parity through 1964–65, and price support operations to maintain even these levels would require annual expenditures of more than $300 million.

The calculations for the 1963–64 and 1964–65 marketing years assume that price supports would be at the alternative legal minimum levels if producers rejected a stabilization program. It is impossible to determine, with reliable accuracy, the level which could be supported with a $300 million expenditure if producers rejected the stabilization program. This eventually would depend upon how much milk production might decline as a result of several years of declining prices, as well as upon developments in market demand. It probably would be possible by 1965 or 1966, without supply management, to support a level somewhere between 60 and 65 percent of parity ($2.50 to $2.70 per cwt.) with expenditures of $300 million.

The estimated program costs represent Commodity Credit Corporation's net expenditures for price support purchases of dairy products (total acquisition and handling costs less sales receipts) and total reduction payments. The estimates assume that there would be no marketings in excess of the 1961–62 marketings. To the extent that there might be excess marketing subject to surplus reduction fees, price support purchases would be larger but the cost of the resulting additional purchases would be partly covered by the fees collected.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3302) to afford dairy producers the means by which they may adjust their marketings of milk more nearly to equal demand and to improve and stabilize their price returns, introduced by Mr. HUMPHREY (for himself and Mr. MCCARTHY), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. PROXMIRE. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I am happy to yield to the distinguished Senator from Wisconsin, to whom I have referred earlier in my remarks; I have commented on his outstanding work in behalf of the dairy farmers and his consistent battle for the enactment in this Congress of effective legislation to be of assistance to the dairy producers.

Mr. PROXMIRE. Mr. President, I wish to say that of course the Senator from Minnesota is well known in Wisconsin; in fact, I believe he is better known than is the junior Senator from Wisconsin. The Senator from Minnesota is well known as a real champion of the American farmer, and especially the dairy farmer; and I believe it is very much in character that the Senator from Minnesota should be fighting hard for the enactment of what he considers the best possible kind of legislation for the benefit of the dairy farmer, under the trying and difficult circumstances which now exist, in which the consumption of dairy products has taken a sharp absolute drop overall nationally. Of course, for many years it has been dropping on a per capita basis.

I should like to ask the Senator from Minnesota some questions about the measure he proposes.

In the first place, does he expect to offer this measure as an amendment to the farm bill?

Mr. HUMPHREY. I do.

Mr. PROXMIRE. Does the Senator from Minnesota expect to offer it within the next week or 10 days?

Mr. HUMPHREY. Yes. I shall offer it as an amendment, in hopes that it will be adopted. But even if I did not have that hope, I would offer it simply for purpose of having a thoughtful debate on dairy income and dairy production problems, so that Members of the Senate who are concerned about these problems may have a chance to have a little better hearing with their colleagues in regard to the urgency of the enactment of some

effective legislation to be of assistance to this segment of our agricultural economy.

Mr. PROXMIRE. There are several points which I should like to bring up now, if I may, for the record, for I believe they should be discussed as soon as possible, for these matters are most important throughout the country.

The fact is that milk is the No. 1 cash crop on the farms; and, as I understand, farm income depends more on milk than it does on any other commodity. So if there is to be anything like prosperous farming, something must be done now about this situation.

First of all, it is difficult to tell, from reading the bill, whether the price support for 1962–63 would be "not less than 75 percent of parity," or a higher figure such as $3.40. In other words, if the proposed amendment is adopted and if the bill as thus amended is passed within the next few weeks, what would be the price which the farmer would get for his milk in the current marketing year? Would there be a referendum?

Mr. HUMPHREY. There would not be a referendum this year; there would be a referendum for the crop year 1963–64. I expect that the Secretary of Agriculture would establish a support level at or near the $3.40 level which we have tried earlier to maintain.

Mr. PROXMIRE. And if that passed, would the price of milk be what it is now—75 percent of parity, as presently defined—or would it be higher?

Mr. HUMPHREY. There would be a minimum of 75 percent of parity; but there would be the possibility of surplus reduction payments of up to $2.50 per hundredweight for voluntarily agreeing to reduce their marketings from 7½ percent up to 25 percent—or 30,000 pounds a year, if that is larger—below their marketings in 1961–62. In other words, surplus reduction payments of up to $2.50 a hundredweight——

Mr. PROXMIRE. That is the provision of the House bill, is it not?

Mr. HUMPHREY. Yes; and it would permit raising the price support levels to $3.40 a hundredweight.

Mr. PROXMIRE. That is not clear in the bill. Would this be for those who would voluntarily agree to reduce their marketings from 7½ percent up to 25 percent—or 30,000 pounds a year, if that is larger—below their marketings in 1961–62? In other words, for this year and in 1963 dairy farmers as a whole would receive the same price supports they are receiving at the present time; is that correct?

Mr. HUMPHREY. As I have said, by cooperation and by voluntarily reducing production they would be able to get a substantially higher price per hundredweight.

Mr. PROXMIRE. Why does not the Senator from Minnesota provide in his measure the definite support price or percentage of parity which the dairy farmer would receive? If this proposal goes into effect, and if such a referendum is held, and if the farmers, in participating in the referendum, vote on supply management, why does not the Senator's measure spell out the price they would receive—which is done, as I understand, for most crops? The Senator's proposal calls for 75 percent of parity or for as high a price as the Secretary of Agriculture can achieve under the circumstances, with a maximum expenditure of $300 million. This is not a clear basis for an informed choice.

Mr. HUMPHREY. Yes.

Mr. PROXMIRE. Why is not a specific price spelled out in the amendment?

Mr. HUMPHREY. Because it will depend upon the extent of participation. If the farmers participate and if they take advantage of the cuts which they could make, and thereby receive the payments for reducing their supplies, they will receive in excess of 75 percent of parity. But if they do not, they will get gradually decreasing percentages of parity.

Mr. PROXMIRE. But it seems to me that if the Government is to limit its purchases to $300 million, and if there is to be a specific reduction of production, I believe each farmer should have a definite parity and dollar-and-cents choice so that he would know precisely what his vote means.

Mr. HUMPHREY. But I think the Senator from Wisconsin misunderstands this proposal. The $300 million referred to would be provided for purchases even if the farmers reject, in the referendum, the proposed supply management provisions. In that event, in the first year they may get down to 70 percent of parity, with no control of production.

The Government should not then buy $500 million worth or $600 million worth. But if supply is controlled and if the farmers agree, by a two-thirds vote in the referendum, to accept the control provisions, it is assumed, in connection with the bill the market price will be considerably higher than without the controls and, second, that there will not then be need for the Government to make unlimited purchases.

Mr. PROXMIRE. I must say that I am puzzled by this proposal. My staff and I have studied the bill very carefully. We understand that even with quotas, under this proposal the Government would be limited to purchases of $300 million, and the price the farmers would receive in 1962–63 would be 75 percent of parity or a somewhat higher figure, but it is not clear what.

Mr. HUMPHREY. But apparently the Senator from Wisconsin misunderstands my thought in regard to this matter My point is that if the quotas are established and if the farmers voluntarily impose upon themselves the supply management provisions of the bill, the $300 million would be more than adequate for whatever amounts the Government would have to purchase. The purpose of the $300 million provision is primarily to let the farmers know that if the supply management provisions are rejected and if in the first year the price support drops to 70 percent of parity, they cannot expect to have unlimited production and still expect the Government to buy all that is produced. Instead the Government will then be permitted to purchase up to $300 million worth. But if the referendum is held and if in the referendum two-thirds of the farmers vote for the supply management provisions, and if quotas are then established and if the fees are established and if compensatory payments for compliance are made, then the $300 million will be more than adequate for the purchases the Government might need to make in any one year in order to stabilize market conditions.

Mr. PROXMIRE. Yes, but, at any rate, the $300 million is the limit the Government could purchase, whether there are quotas or no quotas.

Mr. HUMPHREY. That is correct. The Secretary of Agriculture would establish a support price at a level which could be maintained within the $300 million limitation.

Mr. PROXMIRE. That is a considerable reduction below what the Government is purchasing this year.

Mr. HUMPHREY. That is correct. I hope the Government will not have to purchase as much next year or the year after. I do not think we ought to get into a contest to see how much the Government can buy. The provision of $300 million is based on the principle that, the farmers can reject supply management, and if they reject it in a vote, the first year the minimum support level will drop 5 percent, and will drop 5 percent each of the succeeding 4 years, so that there will be a total drop of 25 percent. The supports will drop from 75 percent to 70 percent, to 65 percent, to 60 percent, to 55 percent, to 50 percent, if the farmers produce more, until the minimum support level can be maintained within the $300 million limitation. That is the purpose of the provision.

Mr. PROXMIRE. There is one aspect of the bill which has great merit, that it reduces the cost of the farm program.

Mr. HUMPHREY. And it increases farm income.

Mr. PROXMIRE. Let us see if it does. In my book that must be the main purpose of any farm bill. That is what I am coming to now. First, what may be a technical error: it appears that that no quota program is authorized in the bill for 1963–64 or 1964–65 in sections 441 and 442 of the bill. Perhaps that matter can be worked out later. Perhaps there is a special reason for it.

I am especially concerned with the proposed steady reduction of price supports from 75 to 50 percent, in the event controls are turned down.

One of the great shames, and I think the greatest economic injustice in this country, is how low farm income has gone. No one has argued this point more eloquently in the Senate and all over the country than has the Senator from Minnesota.

We are considering a bill which, if adopted, will give every farmer who has a cow, or a cow in production for 9 months, a vote. This means we will have many people voting who are not dairy farmers. In fact, most of those voting would not be exclusively dairy farmers. People will be voting who do not have dairy farming as their primary interest. Under those circumstances it seems to me there is every chance that two-thirds of those eligible to vote will not vote in favor of supply management. But if a

two-thirds majority is not achieved, dairy farmers will lose the permanent provisions of the present law, which, though they are very deficient, at least they provide the farmer with a floor of 75 percent of parity.

I am extremely reluctant to go along with any legislation that under any circumstances is going to reduce the price the farmer gets below the present seriously low prices.

Mr. HUMPHREY. Let me say, first, that everybody who owns a cow will not have a vote.

Mr. PROXMIRE. One who produces 5,000 pounds will. The average cow in Wisconsin produces about 8,000 pounds a year.

Mr. HUMPHREY. Mr. President, I want to make it crystal clear that I do not support farm legislation which is an open-end gate. I never have. I have said time and time again that if a price support program is to be enacted, and if it is fair, and if the cost is reasonable, then the farmer must be subjected to supply management. We cannot expect the Treasury to be available for people to say, "Let us take hold of some of it." The bill provides up to 90 percent of parity, which is beyond the $3.40 a hundredweight that was the price until April of this year, and the Senator from Minnesota is saying that if farmers are to receive a fair price for their commodities—a goal I have actively supported for years—they must accept supply management. But if they are not going to accept supply management, they cannot expect to have a sort of open drawing account on the Treasury to see how many pounds of milk each cow can produce and get the Government to buy it.

I do not think one proves himself a friend to the farmer by offering this open-end proposal. Wheat producers have to take quotas. Cotton, rice, and tobacco producers have to take quotas. One of the real faults of the corn program that went into operation in 1959 was that the former Secretary of Agriculture offered an open-ended program with 65 percent of parity to all producers without differentiating between commercial and noncommercial producers. This Senator warned we could expect millions of acres of new cropland to be plowed up and planted to corn. But I underestimated how great the increase would be. That was the beginning of the real trouble under the feed grain program.

We are in trouble in the dairy program. We have had large quantities of butter, and it is not always as easy to use as we would like to believe. I do not think we can expect the Congress or the general public to have an open-end market. I want to see an improvement, and I do not want a 65 percent of parity program. We are giving the producer his option under my proposal. We say, "Mr. Farmer, if you do not want any controls, that is your business, but each year, starting at 75 percent, the price support will be reduced to 70, 65, 60, 55, 50, until the Government buys only $300 million worth of dairy products. You ought to know that. But if you will accept the year of 1961–62, which is a pretty good year of farm production, as your base period, if you will make cutbacks up to 7½ to 25 percent of your production, you can be paid $2.50 per hundredweight for those cutbacks."

That is the principle we have used in the emergency feed grain program, which has been popular and an improvement over previous programs. This dairy program will work, according to the estimates of the Department of Agriculture, and will cost the taxpayers considerably less than the present program. In addition, it will improve farm income and stabilize market conditions in the dairy industry.

I do not say the bill is perfect. I have been around here a long time. We generally say that if one introduces a bill in Congress and it comes back with his name on it, he has had a singular victory, much more so if it comes back with the provisions he originally introduced. That is an exaggeration, but we all know that bills are subject to considerable adjustment and, I think, improvement, frequently, as they go through the committees of Congress.

I feel we cannot tolerate the existing situation. I have supported many proposals made in an attempt to help improve the situation. This is another effort. This is an effort based upon the principle of the emergency feed grain program, under which we pay people when they are cooperators, and if they are not cooperators they do not receive Government assistance. In other words, they either cooperate or they do not get help.

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

Mr. HUMPHREY. I yield.

Mr. PROXMIRE. I agree wholeheartedly that we must have cooperators. I agree that we cannot have an open-end program. I agree that we must have dairy legislation that will cut costs.

But I am deeply concerned with the likelihood, or at least the strong possibility, that the proposed act would reduce dairy income. As the Senator from Minnesota has said so eloquently, the dairy farmer's income is far too low now. Important as the cost is, farm income is more important that this cost of the program. I suggest we ought to try hard to arrive at the following alternative: 75 percent of parity, which is what the dairy farmer is getting now as the absolute floor. We both fought so hard, under the Humphrey resolution, to keep it from going as low as it is, earlier this year.

Under my proposal, the support price would be 75 percent of parity if one-third or more of the dairy farmers voted "No." This would be punishing. This would be hard.

If farmers voted "Yes," for supply management, then the support price would be 90 percent of parity. In this way there could not be a reduction of dairy farm income below the present low level. And there would be a strong positive differential if the farmers voted for supply management, of 63 cents per hundredweight.

This kind of proposal makes sense. Under no circumstances would it reduce farm income and it would cut costs. While it would not reduce cost as much as the Senator's proposal would, the fact is that cost of the dairy industry, big as it is now, is substantially less, in terms of dollar value importance of dairying, than the average cost of feed grains, of wheat, of cotton, or of most any other farm program over the past several years.

I think we should give the dairy farmer a genuinely fair choice. We should give him an opportunity to vote for supply management under circumstances which would give him a better income. This would offer dairy farmers an alternative which is responsible, which is sound fiscally, which would keep the farm program from becoming excessively costly. At the same time it would guarantee that under no circumstances would farm income go below the present level.

The Senator has been very patient, and I apologize to him.

Mr. HUMPHREY. Not at all. I say to the Senator, first, that the suggestion has merit. What I have attempted to do was to arrive at a proposal which would, first, improve dairy income—which is at almost a disastrous low now.

Mr. PROXMIRE. Yes, indeed.

Mr. HUMPHREY. Under the program I proposed producers would gain $65 million in net income in the current year and $200 million or more over what they would receive under the present law in subsequent years. I am sure the Senator knows I would not propose a program unless it would improve the income of our dairy farmers.

Secondly, this proposal would attempt to reduce the Government accumulation of the stocks. As I said earlier, before the Senator came into the Chamber, any program which we design must have within it the means of fulfilling our requirements at home for assistance with respect to school lunches, the school milk program, and the program for the unemployed and the needy, which are surely a necessary part of our national policy. It also must have within it features which will provide the supplies necessary for our oversea program, our food-for-peace program, which has become a fundamental part of our economic assistance abroad. I think it is one of the best programs we have.

So, when I speak of supply, I do not speak of the narrow dimensions of what we know as the classical law of supply and demand in the normal commercial marketplace.

The Senator has made a suggestion that we have alternatives, instead of the downward scale which I propose for 5 years. He has suggested the figure be fixed at 75 percent of parity. I am sure the Senator would wish to include premium payments, if the farmer cut back.

Mr. PROXMIRE. By all means. That is an excellent proposal, and I am including it in my amendment.

Mr. HUMPHREY. If this were established with 90 percent of parity for the higher level, it would be necessary to require some adjustment in production by the farmers, but it would certainly be a fair price for farmers to receive.

Mr. PROXMIRE. Not necessarily a cutback. And most important it will

give farmers a real choice, not controls or ruin.

Mr. HUMPHREY. I learned a long time ago that as we discuss these items we frequently have a meeting of the minds, or come closer to what we believe to be a fair proposition, and I am sure the Senator from Wisconsin would agree that his experience has been the same. I hope that, as we think about the matter in the next few days, possibly we can reconcile our differences to our mutual satisfaction. My proposal does not contemplate a mandatory cutback. It offers producers a realistic opportunity to adjust production and improve their net income.

Mr. PROXMIRE. I apologize to the Senator for taking so much time, and also to the Senator from Idaho [Mr. DWORSHAK]. The Senator has been very patient.

Mr. HUMPHREY. I am delighted to discuss the proposal with the Senator. I know of few men who are better equipped to discuss the subject.

Mr. PROXMIRE. There are a couple of technical matters I would like to have cleared up.

As the bill is drafted, if the farmer should vote against supply management in 1963, and then against it again in 1964, or at any time in the future, it would be possible for the Secretary not to ask for an allotment system, not to ask for a vote in a subsequent year, but to say, "It looks like the farmers do not want to cooperate, so we will have no price supports."

Then the price could be set as low as zero price supports, as I read the bill. Is that a misreading?

Mr. HUMPHREY. The bill provides a minimum support level of 75 percent of parity through April of 1965, if producers approve in the referendum. Beyond that I have relief upon the fact that a Secretary would not be so ridiculous as to go to zero. It may be a point we would wish to firm up in the bill. As the Senator knows, under the feed grain program we have provided from 0 to 90 percent price supports. Perhaps we should provide some minimum level of support if producers approve the program in referendum.

Mr. PROXMIRE. Yes.

Mr. HUMPHREY. The Secretary must look at the supply situation and come up with a reasonable figure. If the Senator is concerned—and he may have good reason for proper concern—I would have no objection to accepting an adequate amendment providing a minimum support level.

Mr. PROXMIRE. There has not been a referendum vote in the dairy area.

Mr. HUMPHREY. The Senator is correct.

Mr. PROXMIRE. We do know what the farmers will wish to do. I am sure the present Secretary would fight to the death to provide an adequate income for the farmers.

Mr. HUMPHREY. I am sure the Senator is correct.

Mr. PROXMIRE. That is his principal cause, and he recognizes it. It is possible, however, that a Secretary or an administration might at some time in the future say, "The farmers have had their chance. They have voted repeatedly against controls; we will buy $300 million worth of dairy products, no more, and prices can sink."

Mr. HUMPHREY. I think this is highly unlikely.

Mr. PROXMIRE. I have only one more question to ask. I am not sure, from a reading of the bill, if when reductions in marketing are necessary under the marketing allotment program, these are to be compensated as provided in section 440 of the Senator's bill.

Let me ask the question in this way: In the event that quotas should go into effect and the quotas should provide for a reduction of 10 percent, would the farmer be compensated $2.50 per hundredweight?

Mr. HUMPHREY. Will the Senator state his question again?

Mr. PROXMIRE. In the event that quotas are approved, and the Secretary should set a cutback of 10 percent, then would a farmer who reduced his production by 10 percent receive a $2.50 payment per hundredweight, up to 30,000 pounds, for the reduction?

Mr. HUMPHREY. Payments would be authorized to producers reducing their production.

Mr. PROXMIRE. Even though it was required for all farmers?

Mr. HUMPHREY. That is correct.

Mr. PROXMIRE. I see. I missed that point. This is a way of compensating the farmers.

Mr. HUMPHREY. Wait; I am sorry. Payments are authorized only when the reductions are voluntary. The Secretary is not authorized to make cutbacks until the marketing year beginning April 1, 1965. And even then a cutback should not be necessary. After April 1, 1965, there would be no further payments for reductions.

Mr. PROXMIRE. It is a way of seeing that the income of farmers will not go below the present income, and will, in fact, be higher?

Mr. HUMPHREY. Exactly.

Mr. PROXMIRE. Even though there might be a support price of less than 90 percent of parity.

Mr. HUMPHREY. The Senator is correct.

Those farmers who comply and who vote in the referendum for the system of supply management, would be compensated $2.50 per hundredweight for the cutback they would make under the system which they approved in the referendum.

Mr. PROXMIRE. This would be for all farmers.

Mr. HUMPHREY. The Senator is correct. It would be for all farmers who make the cutback, yes.

Mr. PROXMIRE. All would be required to do so, if two-thirds of them voted to do so.

Mr. HUMPHREY. No. They would not be required to, but some person might produce more than his base. He would be penalized $2.50 per hundredweight for that.

Mr. PROXMIRE. I understand.

Mr. HUMPHREY. In other words, the farmer should comply with the base.

One nice thing about the dairy industry is that there are production figures for every farmer. There is no doubt about a farmer's production. His historic base is well known. One can check not only the figure for each farmer, but also the figure for each cow in many cases, as the Senator indicated to me a little while ago.

We have no doubt that if two-thirds of the farmers approve, in the referendum, every farmer will come under supply management, and every farmer will comply. The farmer who makes the cutback will get the $2.50 per hundredweight. If he produces over his base—if the program is approved by a two-thirds vote in the referendum—then he must pay the fee for violation in terms of the amount which he produces over his quota.

Mr. PROXMIRE. I have only one other question, on one other aspect of the problem. Would the Secretary have to set a reduction of 7½ percent or more in order to work the program out in such a way that the farmers would be compensated? If the Secretary set the reduction at 5 percent or at 6 percent, the farmers would have to reduce production but there would be no payments on the part of the Government, because as the bill is drafted it is necessary for a farmer to reduce 7½ percent, at least, before he is given any compensation. However, of course, if a farmer wished to do so he would be free to go a little further than the mandatory cutback.

Mr. HUMPHREY. Not exactly.

Mr. PROXMIRE. The farmer could take the 5-percent reduction and add a 2½-percent reduction, in order to get his payment. It would be a premium.

Mr. HUMPHREY. Just a minute. I want to make it very clear that there would be no cutback required during the periods when payments are authorized.

Mr. PROXMIRE. I see.

Mr. HUMPHREY. I should like to clarify one other point from the letter of the Secretary. I read from the letter:

> The Department has previously expressed its desire to restore dairy price support to the 1961–62 level of $3.40 per hundredweight. If this legislation were adopted—

Speaking of the bill of which we have been discussing—

> price support would be restored to that level for the remainder of the 1962–63 marketing year.

The Department has given assurance that the $3.40 support level would be restored for the remainder of the year. Then in the year 1962–63, the next year, the compulsory features would go into effect.

Mr. PROXMIRE. I am not sure I follow the Senator. The provision is not in the bill as drafted, but in a letter the Secretary states that if the bill is adopted, the support price would go back to $3.40.

Mr. HUMPHREY. The price would go back to $3.40 for the remainder of this marketing year. If the bill is enacted, the Secretary has assured us that the support level would be $3.40 until April 1, 1963.

Mr. PROXMIRE. With no limits on the provision with reference to payments to farmers who automatically comply.

Mr. HUMPHREY. Yes. A farmer receives an extra payment for that.

Mr. PROXMIRE. I should like to emphasize one final point. I think to have the year 1961–62 as the basis is very good. We have seen in the State of Wisconsin—and I am sure that it is true all over the country—that farmers are trying to build up their herds, because they figure that 1962–63 is the year that might be the base. As a result, there is a "base race" going on.

Mr. HUMPHREY. 1961–62 is the logical base year and the one used in the proposed legislation.

Mr. PROXMIRE. That is important. I believe we should stick to that, and if the proposed legislation should not pass, we should insist that bases in the future will use the marketing year of 1961–62 as the standard; otherwise, there will be a continuous incentive to overproduction.

Mr. HUMPHREY. I believe the Senator is correct. Many of his inquiries today have been helpful. At the beginning of the discussion of the proposal I said that it is a sort of worksheet. I hope we can refine it. I have spoken to the chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana [Mr. ELLENDER], about the problem. I said in case it were not included in the proposed legislation which will soon be before the Senate—the general farm bill—it was my hope there would be hearings on separate proposed legislation relating to dairy immediately following the passage of the omnibus farm bill. We cannot get through the remainder of this year into the next marketing year with no assurances whatever of what the future will offer. The Senator from Wisconsin has made the point—and well it should be made—that because of the emergency in farm areas, particularly among dairy producers, there is an increase in production now merely because farmers do not know what to look for in the future. Therefore, the market will become more erratic and unstable than it has been even up to the present date.

I believe Congress has an obligation to enact some form of proposed dairy legislation that will improve farm income. Such proposed legislation must be passed before the 2d session of the 87th Congress adjourns, or we shall discover next year that because of the existing law, the Secretary will be required to purchase, purchase, and purchase; and with increased production, we shall have unbelievable stocks. Then all at once the Department of Agriculture will be condemned for having a huge overflow, when in fact we in the Congress are the architects of the program. If we do not design a program, we shall have to accept that responsibility.

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

Mr. HUMPHREY. I yield.

Mr. DWORSHAK. I find myself in agreement with the Senator from Minnesota when he states that the dairy industry is in trouble. I am sure that the very alert and astute Senator from Minnesota will recall that the dairy industry became immersed in its present trouble a year ago, in April, when Secretary of Agriculture Freeman, after having assumed his position as Secretary, made a political gesture to the dairymen of our country and voluntarily issued an order raising the support price of milk to $3.40 a hundred pounds.

As a result of that action, production was materially increased. During the past year the Government was forced to purchase 474 million pounds of butter, a huge stock of cheese, and other dairy products. Then the Secretary found himself caught in his own web; and on April 1 of this year, he reduced the price to $3.11.

I have listened with keen interest to the explanation of the Senator from Minnesota with reference to the new magic wand that would solve the problems of the dairy industry. I should like to have some assurances from him as to whether we shall see the huge surplus of dairy products decrease during the next year.

Mr. HUMPHREY. Mr. President, first, I am always intrigued by the self-styled objectivity of my friend, the distinguished Senator from Idaho as he comments upon these subjects of public policy.

I know his heart goes out to the Secretary of Agriculture and he wishes him nothing but the best. I know he is very much concerned over the dairy situation, and I accept that concern in good faith. But I remind the Senator that the dairy problems did not start with Secretary of Agriculture Freeman. Dairy problems have been with us for some time, just as the potato problems, the wheat problems, the cotton problems, and other problems have also been with us.

I was looking back at a chart and noticed that in 1954—as I recall, Mr. Freeman was not Secretary of Agriculture at that time but was doing a very fine job as Governor of Minnesota—the frugal, prudent Republican administration spent $474,600,000 for dairy supports in that particular year.

I have tried to educate the Senator a little on the great feed grain program of the previous administration, when that administration succeeded in 1 year in getting 8 million more acres of corn planted, and succeeded in having the Government of the United States expend approximately $2 billion for unnecessary production. If I were the Senator from Idaho, as a Republican, I do not think I would discuss farm policy with the hope of winning the debate, because if there has ever been a tragic record of unbelievable agricultural mismanagement, it was under the Benson-Eisenhower Republican administration, and no one can erase that record.

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

Mr. HUMPHREY. I am happy to yield to the Senator from Idaho.

Mr. DWORSHAK. I recall that farmers engaged in the production of potatoes, wheat, and other products faced many problems during the Eisenhower administration, but the record shows that in the 15 months of the New Frontier administration under the secretaryship of Orville Freeman, the farm industry, at least in my own State, has been materially worse off. The wheat farmers are dissatisfied. The dairy industry thinks it has been milked by the Secretary of Agriculture. I should like to ask the Senator from Minnesota how much was spent by the Government in the past year to purchase surplus commodities. I ask for the figure which would be comparable with the one he mentioned for 1954.

Mr. HUMPHREY. The vision of the good Senator from Idaho may be focused upon the beautiful State of Idaho and its agricultural problems—and rightly it should be. I would not dispute for one minute any observation he wishes to make about Idaho. I would like the Senator to know that farm income in the State of Minnesota went up approximately 15 percent last year.

I would like the Senator to know that net income of farmers increased a billion dollars last year.

Government surpluses of feed grains were sharply reduced last year as a result of the emergency program enacted by the Congress.

For the first time in 7 years sales of farm machinery are up.

I noticed that the Senator from Idaho was keenly interested in the condition of the market. What has happened? He gave me a couple of little jolts last year about the market. I wonder if he is responsive to the information that today, for the second time, the market has had the greatest surge forward that it has had in 10 years.

Mr. DWORSHAK. No; the Senator did not lack the courage to call that point to the attention of the Senator from Minnesota, because at the end of the trading on Friday, the stock market had established a 30-year record for a reduction in averages.

Mr. HUMPHREY. That was the Senator's pessimism.

Mr. DWORSHAK. The Senator from Idaho has profound respect for the Senator from Minnesota. He did not want to cause him that much embarrassment.

Will the Senator yield for one more question?

Mr. HUMPHREY. I yield.

Mr. DWORSHAK. If the farmers of our country, including the dairymen in the States of Minnesota, Wisconsin, Idaho, and every other State, are as prosperous as the Senator would have us believe, why is there any necessity at this time for the introduction of new farm legislation?

We do not try to correct or remedy a situation unless a problem exists; and a problem would not exist if agriculture were more prosperous now than it has been.

Mr. HUMPHREY. If the Senator from Idaho will cease indulging himself in fantasy and extremes, we shall get down to the facts. The Senator from Minnesota did not say that farmers were prosperous. He did not say that the situation had been corrected. The Senator said that it was better.

If a man is lying on his deathbed with a fever of 106 and the last rites of the church have been administered, and then if the next day it is discovered that his fever has decreased to 104, that does not mean the man is well. It means he is better.

According to the Senator from Idaho, one should expect the man to stand up and do handsprings. I am not suggesting to the Senator that. All we are saying is that by some determined effort, by the fact that there are people who are concerned about the welfare of the American farmer, this administration has been able to make some improvement in the farm program.

What the President has recommended to Congress is a good farm program, which will get at the basic problems of agriculture; namely, the problems of overproduction and the problems of high prices and low farm income. The President has recommended a program which the administration calls the ABCD's of agriculture: the use of abundance, the balance of supplies with our demand, the conservation of our resources, and the development of our rural areas. It makes sense. Not all of that program is going to be accepted by Congress. It is going to be debated. It will be adjusted.

Mr. President, I am always surprised to find that the people who feel the deepest about fiscal responsibility and talk the most about it are the ones who always block programs for fiscal responsibility in connection with agriculture.

What we are seeking to do is to solve the problem. The facts are there. There is no argument about the facts. The facts are that farm income has improved. The facts are that after 8 years of bungling on the part of the Republican administration, we cannot expect 15 months of the New Frontier to cure the situation.

All the aureomycin and penicillin in the world will not cure that infection. It will take a while.

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

Mr. HUMPHREY. I yield.

Mr. DWORSHAK. The Senator has not yet given us the figures for the cost of farm support during the New Frontier period.

Mr. HUMPHREY. I do not have them. Whatever the administration was able to spend last year will be a poor second to what the previous administration has spent.

Mr. DWORSHAK. That is not a fact.

Mr. HUMPHREY. It is a fact.

Mr. DWORSHAK. The Senator would not make that statement if he knew the facts.

Mr. HUMPHREY. I do not have the specific details, but I shall be glad to get them and will be happy to supply them to the Senator. Then I want the Senator from Idaho to come back tomorrow and supply the Senator from Minnesota with figures showing what the improvement has been, both gross and net. Then we will both salute each other in good fellowship.

Mr. DWORSHAK. I regret that the Senator, who served on the Committee on Agriculture and Forestry, saw fit to leave that committee assignment at the advent of the New Frontier administration. The Senator has acquired a very favorable reputation for being a friend of agriculture.

Mr. HUMPHREY. He is.

Mr. DWORSHAK. I am sure he is. I will always acknowledge that to be the fact. At least he endeavors to stabilize the industry. If he were still a member of that important committee, the Committee on Agriculture and Forestry, I am sure he would have no trouble whatever getting approval of his bill.

Mr. HUMPHREY. I appreciate that vote of confidence. It is wonderful. However, I felt that with men like the distinguished Senator from Wisconsin and my distinguished colleague from Minnesota [Mr. McCARTHY] on the Committee on Agriculture and Forestry, who, by the way, went on the committee when I left it, there has been brought about some improvement. I know of no man who is more able, more intelligent, more skilled, and a greater friend of American agriculture than my junior colleague.

Perhaps I may have served the cause of American farmers by permitting the first team to go into action. I was merely holding the fort while Ezra was wrecking the terrain and the Republicans were engaging in guerrilla tactics. I was merely fighting in the Republican agricultural jungles.

Mr. DWORSHAK. Apparently the Senator believes that all the battles have now been won.

Mr. HUMPHREY. Now we have the main troops in the field.

Mr. DWORSHAK. I believe I understood the Senator from Minnesota to say that he was very hopeful that action would be taken on his proposal at this session of Congress.

Mr. HUMPHREY. I am hopeful that action will be taken. I am always hopeful.

Mr. DWORSHAK. It would not have very many beneficial effects unless action were taken at this session of Congress.

Mr. HUMPHREY. The Senator is correct.

Mr. DWORSHAK. So far as the elections are concerned.

Mr. HUMPHREY. The elections are secondary. I would like to have the farmers of Idaho and Minnesota and of all the States get a proper share of the national income.

I have before me a copy of a New York Times article, published on Sunday, April 15, 1962, entitled "Machinery Makers Expect 1962 Volume To Top the 1961 Level by 5 to 15 Percent."

That is not a fairy story. This article is published on the financial page of the New York Times. This speaks about farm equipment machinery manufactures. They do not go around blowing bubbles. They manufacture tractors. They know what the score is. They think the administration is doing fairly well. I believe that the administration can do better. That is why I want the cooperation of the Senator from Idaho.

Mr. DWORSHAK. I assure the Senator of that cooperation. If the agricultural industry of this country is doing as well, then it is difficult——

Mr. HUMPHREY. I did not say so well. I said better. The patient looks as if he will live.

Mr. DWORSHAK. I saw headlines in the papers yesterday reporting that, according to the UPI, Secretary Freeman was in danger of losing his job. I hold the Secretary of Agriculture in very high respect.

Mr. HUMPHREY. I know the Senator does.

Mr. DWORSHAK. I should like to have some clarification on how a man who is so successful should face a possible ouster from office.

Mr. HUMPHREY. The only words that I have heard about an ouster of Secretary Freeman have been inspired by the forlorn hope of one of my colleagues in the Senate on the other side of the aisle. The President of the United States, who has the appointment power of Secretaries of Agriculture, thinks very highly of our Secretary of Agriculture. I will tell the Senator who else thinks very highly of the Secretary. The farmers think very highly of him. We have a very popular Secretary of Agriculture. He has the confidence of the farmers of the country. Let us make no mistake about it. I do not need to defend the Secretary. He is very good at doing it himself, anywhere, whether it is on the stump, in the office, or anywhere. He is a very capable man. If the Senator from Idaho is worried that the Secretary of Agriculture may be dismissed, perhaps a word of commendation from the Senator from Idaho, or a word of support in a letter to the President, or admonishing his colleague on his side of the aisle might help the Secretary.

Mr. DWORSHAK. The Senator from Minnesota will recall that about a month ago I appealed to him, as the assistant majority leader of the Senate, to intercede with the Attorney General or the White House for some remedial action because of the announcement of rent increases in the Merchandise Mart in Chicago, which is owned by the Kennedy family. The Senator from Idaho concedes that he has no influence whatever with this administration. He belongs to the minority party, and he must gracefully decline the Senator's request and again appeal most sincerely and ardently to the Senator from Minnesota to assume the responsibility of providing guidance for the New Frontier administration.

Mr. HUMPHREY. I always think that this is the kind of note on which to end a friendly conversation. I am very much touched by this expression of—what shall I say?—confidence in the Senator from Minnesota. I say in all good humor to the Senator from Idaho that I never had much influence with the Kennedy family when it comes to rents

in the Merchandise Mart, or a number of other things. However, I now work very closely with the President.

Mr. PROXMIRE. Mr. President, will the Senator yield on this point which the Senator from Idaho has raised?

Mr. HUMPHREY. I am always delighted to yield to the Senator from Wisconsin.

Mr. PROXMIRE. It will take only a minute. The Senator from Idaho said that it was the action of the Secretary of Agriculture in increasing the price support for milk from $3.22 to $3.40 per hundredweight which was responsible for this very unfortunate dairy situation. Is it not a fact that the main difficulty is that consumption has dropped very sharply in an unprecedented fashion, in a way it has never before dropped in American history, and that this drop was what created the principal problem? The small increase of 18 cents per hundredweight in the price has not been responsible for any significant drop in consumption. Is that not correct?

Mr. HUMPHREY. Yes. I would sound a warning note here. I have written a letter to the Chairman of the Atomic Energy Commission on this particular matter, which concerns so many people about strontium 90 being present in milk. It seems to me that the Commission could just as well deal with some other product. I wrote to the chairman of the Atomic Energy Commission and suggested that they could measure radioactivity in other products, other than in milk. For some peculiar reason they have centered on this product. That has had the direct result of sharply cutting down the consumption of this product. It is something that needs to be gone into very carefully. I have directed that letter to Dr. Seaborg, and I have asked for a reply. The scientific community knows there are other ways of measuring radioactivity, rather than to select one particular foodstuff. It should be possible to establish an effective indicator without constant reference to milk.

Mr. PROXMIRE. So the drop in consumption was the principal difficulty.

Mr. HUMPHREY. The Senator is correct.

Mr. PROXMIRE. The increase in production last year, following the Secretary's action was about 1½ percent, which in terms of the long-range average increase over the past 20 years is pretty close to that average.

Second, if one goes back over all the years since price supports have been in existence, he will find that in the years in which price supports were increased, there was not a substantial increase in production. However, in the years when the price supports were lowered—for example, a very sharp cut was made in 1954—there was, in effect, an increase in production. So there is no basis for arguing that when price supports are lowered, production is decreased.

The statement by the Senator from Idaho [Mr. DWORSHAK] that this is all the doing of Secretary of Agriculture Orville Freeman is not borne out by any study of what has happened in the area of dairy production. When price supports drop, dairy farmers are forced to produce more in order to maintain their income; there is no choice. This is not theory; it is fact. It has happened year after year. The fact that there was a 1½ percent increase in production last year can be accounted for in a number of ways. To charge it all to the Secretary of Agriculture is grossly unfair.

Mr. HUMPHREY. The increase was no greater than the population increase.

Mr. PROXMIRE. It was less.

Mr. HUMPHREY. There was an accumulation of products which got into the hands of the Commodity Credit Corporation.

The fact is—and I know the Senator from Wisconsin emphasized this point—that for the about 62 years for which there are recorded statistics in the Department of Agriculture, there is not a scintilla of evidence to indicate that when price supports are raised under farm programs, production is maximized or increased. In fact when price supports are lowered or prices are maintained without any controls, production still tends to increase.

If ever there was an example of that, it was when the sliding scale was in effect. Everyone was sliding, but sliding one way—down. It was a downward sliding scale. It was a slippery chute on which the farmer was practically caught coming out on his britches in 1961.

Now we propose to give the farmer an opportunity to help himself through a better program. That is what we will talk about in a couple of weeks, when the farm program is before the Senate.

I have a report from the financial page of the Wall Street Journal of Tuesday, May 1, 1962, which shows the quarterly earnings of American industries. The profits of 472 companies in the first quarter of 1962 show a 28.3 percent increase over the earnings in the same period of 1961. Not bad. It seems to me that the administration has not been too unkind to business, if profits can rise 28.3 percent.

Mr. DWORSHAK. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. Oh, yes, indeed.

Mr. DWORSHAK. I am sure the Senator would like to be reminded that while he gives us assurance that real progress is being made, he knows that within the past week the Treasury Department announced a $30 million increase in the outflow of gold, making the net loss of gold, from January 1 to May 8, $424 million.

Mr. HUMPHREY. That is very serious. The Senator is correct.

Mr. DWORSHAK. Does the Senator believe that that is an example of real progress toward financial stability?

Mr. HUMPHREY. I think that is nothing more or less than a report of the fact of our commitments overseas through providing additional troops because of the Berlin crisis, and the thousands of troops which have been provided because of our commitments in South Vietnam and elsewhere around the world, for the security of the free world. It is nothing but a report of the fact of those commitments.

Only a few years ago—2 or 3 years ago—the gold outflow was much greater, but there was very little comment. As a matter of fact, no one knew about it until September 1960. Then we found that gold was draining out of the country at the rate of $1,500 million a year. By the way, that was taking place under the other administration.

Mr. DWORSHAK. The RECORD will show that on August 22, 1959, the senior Senator from Idaho made a speech on the floor of the Senate, calling attention to the menacing outflow of gold.

Mr. HUMPHREY. I recall that speech.

Mr. DWORSHAK. It was almost a year before I had any support in arousing interest toward curbing the outflow of gold. So the Senator from Minnesota cannot criticize me as having been unaware of the trend which was menacing the stability of our financial structure at that time.

Mr. HUMPHREY. The Senator from Minnesota wishes to be fair. I know that the Senator from Idaho is absolutely correct in what he has said. He deserves the thanks of all of us for his prophetic vision on that particular occasion. What I am trying to do now is to get the Senator to be as prophetic and sympathetic in the present circumstances, concerning the present problems and plight of the farmer. I thank the Senator from Idaho for his cooperation.

Mr. DWORSHAK. I thank the Senator from Minnesota.

Mr. CHAVEZ. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield to the Senator from New Mexico.

Mr. CHAVEZ. I am for the Senator, and in order for him to have his opportunity to state his position, and for other Senators to have the right to present their arguments, I voted against cloture. That was one of the reasons why I so voted.

Mr. HUMPHREY. I thank the Senator from New Mexico. I am always pleased to have his assistance and his friendship. It is a friendship I cherish.

VISIT TO THE UNITED STATES BY SENATORS AND DEPUTIES FROM THE CONGRESS OF THE REPUBLIC OF MEXICO

Mr. MANSFIELD. Mr. President, we are honored to have in our midst for a few days a most distinguished delegation of Senators and Deputies from the Congress of the Republic of Mexico. They are here, some with their gracious and lovely wives and their children, to attend the second meeting of the Mexico-United States Interparliamentary Group.

These able Mexican parliamentarians will be deliberating with a joint U.S. delegation of Senate and House Members on problems and questions of mutual concern. They will try in these

conferences to reach a better understanding of the needs of our two countries and how these needs may best be met by mutual action and forbearance.

Mr. President, I had the pleasure of participating in the first of these meetings last year. It was held in Mexico in the city of Guadalajara in the state of Jalisco. And I want to say that in that progressive and beautiful country, in that great Republic to the south, we were able to meet as reasonable legislators and to face honestly, cordially, and understandingly our differences. I believe, through the understanding which was generated by that meeting, we began to reduce these differences. The differences fall into a more accurate perspective in face-to-face, frank conversation among friends. We see them as minor crosscurrents in a great sea of unified common interest. What unites the Republic of Mexico and the Republic of the United States is the great historic tide of political freedom which has its base in our common revolutionary history. What unites us is the tide of a common progressive outlook which, under the Alliance for Progress, will carry us forward to new heights of achievement—material and spiritual.

I hope that Mexico and the United States will work under this program for their common benefit and, together, in the same harness, work for the benefit of the entire new world.

Meetings of this kind provide a special kind of inspiration, the kind of inspiration which one draws from the thoughts of the outstanding leaders of the new world. It gives strength to their profound perception that someday we shall think even beyond national borders to a time of hemispheric man, of hemispheric citizens in a worldwide community of free peoples.

So I say again, it is a great pleasure to be able to have the Mexican delegation with us and the privilege to offer them the humble hospitality of this city, the Nation's Capital. We can only say to them as they said to us on the occasion of the earlier meeting in Mexico: Esta casa es su casa.

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 (Mr. BURDICK in the chair). Without objection, it is so ordered.

AMENDMENT TO AGRICULTURAL ACT OF 1956

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956.

LITERACY TEST BILL

Mr. KUCHEL. Mr. President, I would be completely recreant to my duty, and to my conscience, if I did not rise to associate myself on this occasion with my colleagues on my side of the aisle and on the other side of the aisle who spoke out earlier today and yesterday with respect to the pending question.

Earlier in this debate, I referred to the fact that the platforms of both American political parties made a solemn pledge to the American people. The pledge of each was unequivocal. No man can deny or ignore what the Republican Party and what the Democratic Party promised the people of the United States. And there was abundant reason for the commitments which were made.

I commented then on the high and able character of each member of the U.S. Commission on Civil Rights, which unanimously made the recommendations that 6 years of schooling in any part of the United States should, under Federal law, be sufficient with respect to qualifications of literacy. In support of the recommendation of this bi-partisan commission, on which sit honorable men from all sections of our land and in support of the commitments of America's two great political parties there is a great wealth of uncontroverted testimony demonstrating that tens and hundreds and thousands of American citizens are deprived of their right of franchise—guaranteed, incidentally, by the American Constitution—because of their race or color.

I have referred to the American Constitution. I heard my colleagues, who are lawyers of great ability, speak on the floor of the Senate as to the constitutionality of this measure. I listened to my friend, the senior Senator from New York [Mr. JAVITS], as he spoke tellingly with respect to the responsibility of the Federal Government under the Constitution to right this wrong. I read what many of my colleagues placed in the CONGRESSIONAL RECORD on this point. I noted in my own earlier remarks a part of the supporting testimony of the Attorney General of the United States on the problem of constitutionality.

Mr. President, I became a Member of the Senate 10 years ago. The first vote I cast in this Chamber had to do with the question of filibusters. In 1953, there were but a handful of Senators who voted to eliminate the ridiculous anachronism known as the filibuster. Some of those votes came from the other side of the aisle, and some of those votes came from this side. We lost. This question has arisen in every Congress which has convened since that time. The last time we had the filibuster issue before the Senate almost half of the Members of the Senate who were on this floor by their votes demonstrated that, in their opinion, the time had come to rid this parliamentary body of an ugly and evil device by which the Constitution of the United States is bent and cruelly twisted.

So on this occasion I simply wanted the RECORD to show that Members of this body, Democratic Senators and Republican Senators, have poured forth their hearts in an honest attempt to have the Senate meet a commitment which their political parties made to the American people, and Senators on this occasion, once again, have an opportunity to fulfill the pledges which were made or to repudiate them.

The last rollcalls we have had have been very frustrating to this Senator. I regret very much that this issue—the issue of fellow Americans exercising their right to vote—can be blithely pushed aside and shunted under the rug, and nothing more done. I regret very much that the administration has remained silent on this issue. After the American people have spoken next November, I am hopeful that Members of the Senate will meet again and come to grips not only with the right of a citizen to vote, but also with the right of a Senator to vote. Many members of this great body have been working for a valient and valid solution to both of these problems for the last many years.

I am a realist, Mr. President. I think I can understand how Members of the Senate will vote upon the motion that has been made, but I am very proud to stand here, before the rollcall on the motion is taken, and pay a real tribute to those of my colleagues who have led this fight, and to say, "Keep on fighting. The people of the United States are going to follow you. In the last analysis, the legislation about which we have been talking for the last several years will be adopted by the Senate and by the House of Representatives and written into the law of this land."

I have a friend in the Pentagon. He is an airman. He has several stars on his shoulders. He is not a politician. He is a professional military man. I have talked to him about this kind of problem. He said to me, "You know, TOM, when I go into some of these areas in other parts of the world to advance the cause of American security and to work out arrangements by which the defensive strength of the United States might, under certain conditions, be deployed in other areas, particularly where the inhabitants have a different color of skin than we have, they often say to me: 'General, why do you people permit black Americans to be shunted aside and to be prevented from voting, yet before the world you people take the position that you want to lead in the cause of freedom for all mankind?'" My friend said, "TOM, I have a hard time answering that question. It is difficult for me to give them a logical answer." He also said, "I do think we have made some progress. When are you going to make some more?"

That question is difficult for a Senator of the United States to answer. The fact is that we are making progress. The record which Senators have made on this occasion is testimony that progress is being made in this field.

If we lose this fight now, I think we may look forward to the time when, before too many months, in a final chapter we will prevail in the Senate of the United States.

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

Mr. KUCHEL. I yield to my able friend and colleague from New York.

Mr. JAVITS. I wish to express my sense of comradeship and kinship with my colleague from California in this fight. It is not wasted. We are right.

There is an ugly state of facts staring us in the face. It must be dealt with. If we do not deal with it by peace and law, it will be dealt with by violence and it will be dealt with by domestic disorder.

I would hate to see the day arrive when many who feel, "Well, we do not have to do anything about this problem," will face that situation and have to think back to the time when we might have done something like that which is proposed to deal with the problem, without arousing strong feelings which can get beyond us. I refer to the element of law.

It occurred to me, as the Senator was speaking, that one of the Senators on the other side from our point of view, the other day asked, "How can you expect that the 53 Members who voted against cloture on Wednesday will change their minds on Monday?" Of course they did not. There were 52 votes on that side.

I think we have a right to ask the same question today. Wednesday 64 Senators voted against tabling the proposal. What we say is, it is unseemly and not right in the national interest for the proposal to be preempted by an agricultural bill about which there is no great hurry. As everyone knows, we are not being pressed with some great emergency. We ought to go through with what we must do with respect to this particular issue.

I think those of us on our side have a right to ask the question, What will the 64 Senators who voted against tabling do today? Has the situation changed so drastically that no longer do they wish to consider this question which, only the other day, they said they wished to consider?

I deeply feel there are amendments before the Senate, like those offered by my colleague [Mr. KEATING] and the Senator from Kentucky [Mr. COOPER] which are important amendments to whip the law into shape. The President of the United States has said that this is one proposal he wants Congress to pass. It is about the only thing he asked for in respect to civil rights. I do not agree with the size of what he has asked for, but at least he asked for this, so we should try to deliver on this.

Let us not run in the face of defeat. We have faced defeat before, and we have ended up by coming out very strongly on top.

I hope, along with the Senator from California, whose aid is tremendously important, since he is the minority whip, the deputy leader of our party, that we can make progress. It is tremendously heartening to have the Senator on our side.

I hope that Members, having endured what we have on the cloture votes, may see the wisdom of continuing this fight. I hope Senators will remember the action on the tabling motion and will vote to maintain the issue before the Senate, so that we may do our utmost to do our duty by it, since it would deal with at least one of the crying national needs in this field.

I thank my colleague for yielding.

Mr. KUCHEL. Mr. President, I am grateful to the able senior Senator from New York for what he has said. I am grateful also for the leadership he has supplied in this Chamber and outside of it in the fight which has been made.

The comment the Senator makes with respect to the almost identical similarity of the issue now before the Senate, as compared to the tabling motion of several days ago, is a pungent and powerful one. A clear and convincing majority of U.S. Senators indicated what they believe with respect to the merits of this issue when that problem came before the Senate with respect to the tabling motion.

The Senator from New York is precisely correct. We face the same issue. We can ask Senators to search their own consciences, knowing the basis upon which they cast their votes only a few days ago, and to demonstrate once again their vigor and solidarity, by taking the same position when the roll is called.

I thank my friend very much.

Mr. KEATING. Mr. President, will the Senator yield to me?

Mr. KUCHEL. I yield to the able junior Senator from New York.

Mr. KEATING. Mr. President, the distinguished Senator from California again has spoken, as he always does on all issues, out of a depth of sincere conviction. We who serve with him know of his great leadership, not only as one of the titular leaders of our party in the Senate but also as a leader of conviction in those causes to which he has committed himself.

The strengthening of the civil rights of our citizens, the bettering of human rights, is a matter very close and dear to the Senator's heart. I know of no one in my experience who has worked harder to bring about a betterment of the lot of our citizens than our distinguished friend from California.

Earlier in the day—and we are nearly up to the point of voting now—I appealed to another group in this Chamber. I appealed to the group who voted against cloture, against "gagging" the minority, as it was put. Now the effort is made to "gag" the majority. That will be the effect of a vote to consider another bill. It will be a vote to say "The majority shall not have an opportunity to set forth its views on this issue. They shall not have an opportunity to offer their amendments." The distinguished Senator from South Dakota [Mr. CASE] will be "gagged." The distinguished Senator from Kentucky [Mr. COOPER] will be "gagged." Those of the rest of us who wish to pass something other than the particular literacy test bill in this field will not be given the opportunity to do so. That is what a vote for the motion will be.

The issues could not have been more effectively summed up than they have been by the stalwart defender of civil rights who has addressed the Senate, the distinguished Senator from California.

Mr. KUCHEL. I express my thanks to my friend the very able junior Senator from New York [Mr. KEATING], and I thank him profusely for his kind comments.

The Senator speaks the truth when he calls to the attention of the Senate the fact that the vote to shear away abruptly the question to which we have devoted ourselves for several weeks will very effectively put a clamp on those Senators in this Chamber who desire to offer amendments to the proposed legislation in an effort to perfect it in accordance with their views.

That, too, is a right which ought not be denied to a majority of those who, as the Senator says, feel that in the last analysis the Senate has a responsibility to legislate constructively in this field.

I thank the Senator again.

Mr. MORSE. Mr. President, I shall speak very briefly on the pending question. I have spoken once before during the debate, and I hope I made it clear for the record what my position is on the principle of the issue before the Senate.

I wish to associate myself with the position taken by the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from California [Mr. KUCHEL], the Senator from Pennsylvania [Mr. CLARK], the Senator from Illinois [Mr. DOUGLAS], and other Senators who have taken the position that we ought to get the voting issue behind us once and for all.

There are Senators who sincerely and honestly believe that the pending proposal is unconstitutional. If they so believe, they should take the position which they have taken and make clear, as they have made clear, that they propose to vote against the measure because they consider it to be unconstitutional. I respectfully disagree with the legal conclusion that they have reached in regard to the proposed legislation. I am satisfied that under both the 14th amendment and the 15th amendment to the Constitution, as I said in my previous speech, the Congress is authorized to legislate on the subject. The provision of the 14th amendment is that—

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The provision of section 2 of the 15th amendment is that—

> The Congress shall have power to enforce this article by appropriate legislation.

Those provisions place the proposed legislation before us squarely within the jurisdiction of the Congress, leaving the question as to whether or not the legislation proposed is appropriate so far as its constitutionality is concerned. I am satisfied that it is. Each Senator must reach his own conclusion with regard to that question. If the proposed legislation is then passed, it will make its way through the judicial process to ultimate disposition by the U.S. Supreme Court.

As I see it, the responsibility of the Senate is to dispose of the issue once and for all.

As I said in my previous speech—and I shall not take time to read it again—the bill that I introduced would provide for no qualifications whatsoever, by way of literacy or any other test, provided

that there is mental normality, which would be preferable legislation to the legislation that we are considering.

But I am a realist in the legislative process. I am aware of the fact that the legislation that I have proposed does not have any chance now until there is greater understanding as to its soundness throughout the country. I only file the caveat today that we shall continue to press for that type of legislation so long as I serve in the Senate. But in the meantime, I take the position that we are not justified in imposing a literacy test, a property test, or any other test on the right to vote of a person in this country who is a citizen and has a normal mentality.

If we have illiterate people, that is our fault. We ought to do something to take that blotch off of our record. But so long as they are citizens and have normal intelligence, they should have the right to vote. I do not know how many have such ancestors, but a considerable number of mine would not be allowed to vote in States having literacy tests. Yet I would not trade their political sagacity and judgment for the judgment of a great many Phi Beta Kappas I know when it comes to passing on the question as to whether a candidate for office is the best qualified among the candidates to serve in a given office.

We cannot come to grips with that particular issue in the controversy before us.

I wish to say a few words before I close with regard to the legislative issue before the Senate, as I see it. In doing so, I wish to bear out the position taken by those I mentioned a few minutes ago, including the Senator from New York [Mr. JAVITS], the Senator from Illinois [Mr. DOUGLAS], the Senator from Pennsylvania [Mr. CLARK], the Senator from California [Mr. KUCHEL], and others who have pressed in this historical debate the proposal that now is the time to dispose of the question with finality on its merits so far as the legislative process is concerned.

The majority leader knows the love and affection in which I hold him, and my position on the question is entirely impersonal so far as my majority leader is concerned. He knows that I have not shared the point of view of the majority heretofore, at least—which probably the present vote will sustain—that if we could not break the filibuster that has been conducted by a cloture motion and a vote thereon, then we should lay the business aside and proceed with other business of the Senate.

I do not think we shall ever break filibusters on any issue of great concern to a strong minority in the Senate if we follow that procedure. I am not one who believes that we shall break filibusters in my time by a change in rule XXII. I would like to be that kind of optimist, but I do not think we shall change rule XXII next year or the year after. We shall try, and I shall always be in there fighting for the change.

We shall really end the filibuster in the Senate when the Senate proceeds to do the things that are necessary in order to secure the support of the American people. The American people do not understand the procedure. The American people do not understand what happens procedurally in the Senate. The American people do not understand that, after all, the Senate procedurally can be victimized by an effective, able, and powerful minority any time that minority wishes to go to work on the legislative process.

In retaliation we can follow the procedure that we have followed in the present instance. Of course, it will be costly. There is no question about the fact that for a time some proposed legislation will be held up. But the protection of the democratic process is worth the price, no matter what we must pay for it. We shall break the filibuster and drive the technique of the filibuster off the floor of the Senate when it becomes known that a majority of the Senate is as willful as the minority. When it becomes known that a majority will not take it but will fight back, and call upon the American people to understand the procedural problem that confronts us in the Senate in respect to the filibuster technique, though it may take 2 weeks or 2 months to break the filibuster, we can do so. In my judgment, we would only kid ourselves if we should think that we can continually postpone decision on the question, always holding out the carrot that at the next session of Congress we will modify rule XXII.

I have been in the Senate for 17 years. I have heard the statement about amending the rule every year for 17 years. Should I be privileged to remain here longer after November 1962—and they are going to have to beat me first before the decision is made that I will not remain here longer—I expect to hear it year after year thereafter until the Senate, or a majority thereof, says, "We have had our belly full—so full that we are nauseated. Better get rid of it."

Mr. JAVITS. Mr. President, will the Senator yield at this time?

Mr. MORSE. Yes, I yield.

Mr. JAVITS. First, I express my pleasure in being associated with the distinguished Senator from Oregon in respect of his views relating to a change of rule XXII.

More than that, I should like to express my agreement with the Senator that a determined majority could do what must be done in the Senate Chamber over a long enough period of time. I believe that a change in the rule is indicated. A determined majority does not have to employ all the weapons which it would have to employ in advance of a change in a rule, but as the distinguished Senator from Illinois [Mr. DOUGLAS] has said, any change in a rule depends upon a determined majority. We shall not get anywhere in January in such an attempt without a determined majority.

I should like to join the distinguished Senator from Oregon, whose voice is so important in the country, in telling the American people that nothing will happen with respect to measures of the kind before the Senate without a determined majority that the people have called to account.

Mr. MORSE. I thank the Senator from New York. I have made my case. There is nothing more I can say, except that we have invested 2 weeks of precious time on this issue, time belonging to all the taxpayers of the United States. We ought to make up our determined mind that we will see this thing through.

If there are those who want to start a filibuster all over, let them start it. Give the American people 2 weeks of 24-hour sessions, day and night, and focus their attention on the Senate of the United States, and no one will need worry as to what the final outcome will be. The American people will break the filibuster; we will not. Sooner or later, Mr. President, we will have to cross that bridge. I think now is the time to start the journey across the bridge. Therefore I shall vote against the proposal pending before the Senate, because I think that what we ought to do is continue to debate this matter for as many days and weeks and months as necessary, so that 1962 will go down in the annals of American history as the year in which a determined majority, as the Senator from New York has referred to it, demonstrated that it made up its mind to put the technique of the filibuster in the Senate behind it once and for all. There is no better time than now.

I suggest that we proceed now to do what I think is our clear job and responsibility in respect to the pending legislation before the Senate. Let us stay on the job until we either vote it up or down on its merits.

AMENDMENT TO AGRICULTURAL ACT OF 1956

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956.

Mr. MANSFIELD. Mr. President, I ask for a vote on the pending motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] to proceed to the consideration of H.R. 10788. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENGLE (when his name was called). I have a pair with the senior Senator from West Virginia [Mr. RANDOLPH]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. HARTKE (when his name was called). I have a pair with the junior Senator from Florida [Mr. SMATHERS]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. ANDERSON (after having voted in the negative). On this vote I have a pair with the senior Senator from South Carolina [Mr. JOHNSTON]. If he were present and voting, he would vote "yea."

If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

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

I further announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Arkansas, [Mr. FULBRIGHT], the Senator from South Carolina [Mr. JOHNSTON], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from Washington [Mr. MAGNUSON] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Connecticut [Mr. BUSH], the Senator from Maryland [Mr. BUTLER], and the Senators from Iowa [Mr. HICKENLOOPER and Mr. MILLER] are necessarily absent.

The Senator from Pennsylvania [Mr. SCOTT] is necessarily absent to be in his State for the primary elections.

On this vote, the Senator from Iowa [Mr. HICKENLOOPER] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Iowa would vote "yea," and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from Maryland [Mr. BUTLER] is paired with the Senator from Connecticut [Mr. BUSH]. If present and voting, the Senator from Maryland would vote "yea," and the Senator from Connecticut would vote "nay."

The result was announced—yeas 49, nays 34, as follows:

[No. 52 Leg.]

YEAS—49

Aiken	Hill	Pell
Bennett	Holland	Prouty
Bible	Hruska	Robertson
Boggs	Jackson	Russell
Byrd, Va.	Jordan	Saltonstall
Byrd, W. Va.	Kerr	Smith, Maine
Carlson	Long, La.	Sparkman
Cotton	Mansfield	Stennis
Curtis	McClellan	Talmadge
Dworshak	McGee	Thurmond
Ellender	Metcalf	Tower
Ervin	Monroney	Wiley
Fong	Moss	Williams, Del.
Goldwater	Murphy	Yarborough
Gruening	Neuberger	Young, N. Dak.
Hayden	Pastore	
Hickey	Pearson	

NAYS—34

Allott	Dodd	McNamara
Bartlett	Douglas	Morse
Beall	Hart	Morton
Burdick	Humphrey	Mundt
Cannon	Javits	Muskie
Capehart	Keating	Proxmire
Carroll	Kefauver	Smith, Mass.
Case, N.J.	Kuchel	Symington
Case, S. Dak.	Lausche	Williams, N.J.
Clark	Long, Mo.	Young, Ohio
Cooper	Long, Hawaii	
Dirksen	McCarthy	

NOT VOTING—17

Anderson	Engle	Magnuson
Bush	Fulbright	Miller
Butler	Gore	Randolph
Chavez	Hartke	Scott
Church	Hickenlooper	Smathers
Eastland	Johnston	

So the motion was agreed to; and the Senate proceeded to consider the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956.

LEAVES OF ABSENCE

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Ohio [Mr. LAUSCHE], I ask that he be granted official leave of absence tomorrow, to attend armed services functions in his State of Ohio.

The PRESIDING OFFICER. Without objection, leave of absence is granted.

Mr. MORSE. Mr. President, I ask leave of absence, so that I may be absent on Thursday and Friday of this week, to attend to some matters of consequence in Oregon.

Mr. MANSFIELD. I am sure the Senate will grant that request, Mr. President.

The PRESIDING OFFICER. Without objection, leave of absence is granted.

AMENDMENT OF THE AGRICULTURAL ACT OF 1956

The Senate resumed the consideration of the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is Calendar No. 1304, House bill 10788, to amend section 204 of the Agricultural Act of 1956.

The bill is open to amendment.

Mr. ELLENDER obtained the floor.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, will the Senator from Louisiana yield briefly to me?

Mr. ELLENDER. I yield.

Mr. MANSFIELD. For the information of the Senate, let me state what, so far as the leadership can determine, will be the calendar for the remainder of this week and for next week.

It is anticipated that on Thursday there will be a call of the Legislative Calendar, beginning with Calendar No. 1284, Senate bill 2801, to amend the Merchant Marine Act of 1936.

Other measures to be considered after the Thursday calendar call will be the Calendar No. 1305, House bill 7477, relating to the submission of a report on eligible public building projects; Calendar No. 1308, House bill 8916, to authorize grants for expansion and improvement of the facilities of George Washington University Hospital, in the District of Columbia; Calendar No. 1451, House bill 11261, to authorize an adequate White House Police force—in the event that these measures are not passed during the call of the Legislative Calendar.

It may be that, if there is sufficient time, certain measures on the calendar may be called up tomorrow afternoon.

It is the intention of the leadership to call up on Monday the farm bill, Calendar No. 1333, Senate bill 3225; and, after that, the public works acceleration bill, Calendar No. 1321, Senate bill 2965; Calendar No. 1314, House bill 7752, to amend the District of Columbia Alcoholic Beverage Control Act; and Calendar No. 1450, House bill 10802, making appropriations for the Department of the Interior.

ORDER OF BUSINESS

Mr. ELLENDER. Mr. President——

Mr. DIRKSEN. Mr. President, will the Senator from Louisiana yield for a question?

Mr. ELLENDER. I yield.

Mr. DIRKSEN. I merely wish to ask both the majority leader and the distinguished Senator from Louisiana whether the Senator from Louisiana expects to make a short preliminary statement on the text of House bill 10788.

Mr. ELLENDER. Yes; I plan to make a very short statement.

Mr. DIRKSEN. And the debate on the bill will continue tomorrow?

Mr. ELLENDER. That is my understanding.

Mr. MANSFIELD. I believe the Senator from Nebraska contemplates that there will be debate on the bill tonight; but it will not be finished tonight, and will continue tomorrow.

Mr. PASTORE. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. PASTORE. I hope that the consideration of this measure can be expedited, for I do not think there is much controversy about it. I understand that a point will be made by some Senators who are interested in cattle. However, the bill is strictly a textile measure, and I do not see why we cannot complete our action on it tonight.

Mr. MUNDT. Let me say, as the author of one amendment—I do not know how many amendments there are—that I think there will be considerable debate, and it would involve a rather late session tonight.

Mr. HRUSKA. Certainly the debate will require more than several hours.

Mr. MANSFIELD. Mr. President, it seems likely that the consideration of the pending business will take some time. Therefore, I anticipate that no votes will be taken tonight, but that votes will be taken tomorrow.

ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. MANSFIELD. Madam President, I ask unanimous consent that when the Senate concludes its session tonight, it adjourn until 12 o'clock noon tomorrow.

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

ORDER FOR CALL OF THE CALENDAR ON THURSDAY

Mr. MANSFIELD. Madam President, I ask unanimous consent that on Thursday next, at the conclusion of the morning hour, the Legislative Calendar be called, beginning with Calendar No. 1284, Senate bill 2801, to amend the Merchant Marine Act of 1936.

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

Mr. MANSFIELD. I thank the Senator from Louisiana for his courtesy in yielding.

AMENDMENT OF THE AGRICULTURAL ACT OF 1956

The Senate resumed the consideration of the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956.

Mr. ELLENDER. Madam President, the Committee on Agriculture and Forestry considered the bill and reported it, without any objection, on April 4.

The bill is very simple. At first, some objection was made to the bill, until the committee was able to determine whether timber products should be considered agricultural products.

At this point I wish to have printed in the RECORD a letter addressed to me, dated April 4, from the Department of Agriculture, in which there is a statement on this question. The conclusion reached is set forth in the last paragraph of the letter, which states in part that—

> It is, therefore, our opinion that forestry is a part of agriculture and that timber is an agricultural commodity.

The letter is signed by John G. Bagwell, General Counsel of the Department of Agriculture.

Madam President, I ask unanimous consent to have that letter; a letter of March 21, addressed to me, from the Department of Labor; and a letter, addressed to the Vice President, dated March 9, and signed by the Under Secretary of Commerce, Mr. Edward Gudeman, printed at this point in the RECORD.

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

THE SECRETARY OF COMMERCE,
Washington, D.C., March 9, 1962.

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

DEAR MR. PRESIDENT: The Department of Commerce urges the introduction and enactment of the enclosed draft legislation to amend section 204 of the Agricultural Act of 1956.

Section 204 of the Agricultural Act of 1956 authorized the President to negotiate international agreements relating to the export to and the import by the United States of "any agricultural commodity or product manufactured therefrom or textiles or textile products." Because it was drafted primarily with bilateral agreements in mind, the existence of necessary power in the President with respect to nonparticipants in a broadly based multilateral agreement is questionable. In both the 1-year cotton textiles arrangement presently in force and the long-term cotton textiles arrangement, expected to come into force with substantially the same participants on October 1, 1962, provisions permit the United States to take action to prevent trade with nonparticipants in the arrangements from frustrating the purposes of the arrangements. Since countries accounting for 90 percent of the free world trade in cotton textiles are participants, the same authority which the President has already been delegated by section 204 should clearly be extended to nonparticipants to prevent the minority of countries which choose to stay out of the arrangements from thereby gaining an advantage over the countries which participate in them.

By the term "significant" in the draft is meant significant to the national interest of the United States. The term "products" is intended to convey the concept of origin; that is, "products of countries" means articles which are the growth, manufacture, or produce of those countries.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this legislation to the Congress.

Sincerely yours,
EDWARD GUDEMAN,
Under Secretary of Commerce.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, March 21, 1962.

Hon. ALLEN J. ELLENDER,
Senate Committee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

DEAR SENATOR ELLENDER: I am taking this opportunity to set forth the Department of Labor's position on S. 3006, a bill recently referred to your committee which would amend section 204 of the Agricultural Act of 1956.

As you know, section 204 of the Agricultural Act of 1956 authorizes the President to carry on the negotiation of international agreements limiting the importation into the United States of agricultural commodities including textiles and textile products. Since section 204 was apparently principally intended to enable the President to negotiate on a bilateral basis with respect to these commodities, there is some question as to whether the President can apply similar limits to nonparticipants where broad multilateral agreements are entered into.

The 1-year cotton textiles arrangement presently in force, and also the long-term cotton textiles arrangement expected to come into force on October 1, 1962, have substantially the same participating countries. These arrangements contain provisions permitting the United States to act to prevent trade with nonparticipants from frustrating the design and purpose of the arrangements. Since approximately 90 percent of the free trade in cotton textiles is carried on by the countries participating in these arrangements, we believe that the same authority which the President has under section 204 with respect to participants should be extended to nonparticipants. Such authority would prevent the minority of countries which choose to stay out of arrangements from thus gaining an advantage over participating countries. S. 3006 would vest such authority in the President.

The necessity for resolving the question which presently exists is of obvious importance to the Department of Labor. Particularly, it should be noted that the Interagency Textile Administrative Committee on which this Department is represented has studied the terms of S. 3006, and has recommended its enactment. Accordingly, I urge favorable action on this proposal.

The Bureau of the Budget advises that it has no objection to the presentation of this report from the standpoint of the administration's program.

Yours sincerely,
ARTHUR GOLDBERG,
Secretary of Labor.

U. S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL COUNSEL,
Washington, D.C., April 4, 1962.

Hon. ALLEN J. ELLENDER,
Chairman, Senate Committee on Agriculture and Forestry.

DEAR SENATOR ELLENDER: Mr. Stanton, counsel for your committee, has informed us that in considering S. 3006, to amend section 204 of the Agricultural Act of 1956 (7 U.S.C. 1854), the question has been raised as to whether the phrase "any agricultural commodity or product manufactured therefrom" includes timber and its products.

Section 204 is as follows:

"The President may, whenever he determines such action appropriate, negotiate with representatives of foreign governments in an effort to obtain agreements limiting the export from such countries and the importation into the United States of any agricultural commodity or product manufactured therefrom or textiles or textile products, and the President is authorized to issue regulations governing the entry or withdrawal from warehouse of any such commodity, product, textiles, or textile products to carry out any such agreement. Nothing herein shall affect the authority provided under section 22 of the Agricultural Adjustment Act (of 1933) as amended (7 U.S.C. 1854)."

Although we have not had time to examine the legislative history of this provision exhaustively, our study thus far indicates that such history does not give clear evidence of the intention of the Congress in this respect. In examining this question, therefore, we believe we must first determine the meaning of this phrase as the words therein have been generally construed.

Webster's New International Dictionary, 2d edition, defines agriculture as "The art or science of cultivating the ground, and raising and harvesting crops, often including also feeding, breeding and management of livestock; tillage; husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent the preparation of these products for man's use and their disposal by marketing or otherwise. In the broad use it includes farming, horticulture, forestry, dairying, sugar making, etc." (Emphasis supplied.)

Court decisions have adopted the foregoing definition of "agriculture" in defining agricultural commodities and products. *United States* v. *Turner Turpetine Co.* (111 F. 2d 400 (5th Cir. 1940)) involved the issue of whether labor performed in the production of gum from oleoresin by scarification of living pine trees and its processing into gum spirits of turpentine and gum resin was "agricultural labor" as used in the Social Security Act. The Social Security Act of 1935, as it read before the 1939 amendments, was the law before the court in this case and the term "agricultural labor" was not defined. In holding that Congress intended the term to have a comprehensive meaning so as to include tree products, the court said at page 404:

"When then, Congress in passing an act like the Social Security Act uses, in laying down a broad general policy of exclusion, a term of as general import as 'agricultural labor,' it must be considered that it used the term in a sense and intended it to have a meaning wide enough and broad enough to cover and embrace agricultural labor of any and every kind, as that term is understood in the various sections of the United States where the act operates. This does not mean, of course, that a mere local custom, which is in the face of the meaning of a general term used in an act, may be read into the act to vary its terms. It does mean, however, that when a word or term intended to have general application in an activity as broad as agriculture, has a wide meaning, it must be interpreted broadly enough to embrace in it all the kinds and forms of agriculture practiced where it operates, that its generality reasonably extends to. Definitions of 'agriculture' in standard texts and treatises and in decisions in these latter years have had the widest content. Funk & Wagnalls defines 'agriculture' as including horticulture, fruit raising, etc., 'because agriculture is the science that treats of the cultivation of the soil.' Webster's Unabridged Dictionary, 1935, declares that in a broader sense agriculture includes farming, horticulture, forestry, dairying, sugarmaking, etc. The Encyclopedia Britannica, 14th edition, 'Forestry as a Science,' declares: 'the science underlying the growing of timber crops is therefore nothing but a branch of general plant science,' while the Cyclopedia

of American Agriculture says of forests, 'if agriculture is the raising of products from the land, then forestry is a part of agriculture' (vol. 2, p. 312). From the Encyclopedia Britannica article, on rosin production, we quote the following significant passage: 'The chief region of rosin production is the South Atlantic and Eastern Gulf States of the United States. American rosin is obtained from the turpentine of the swamp pine and of the loblolly pine. The main source of supply in Europe is the lands of the departments of Gironde and Landes in France, where the cluster pine is extensively cultivated.' An examination of the cases cited in 'Words and Phrases,' fifth series, volume 1, page 339 et seq., under agriculture and in 3 C.J.S., 'Agriculture,' pages 361, 365, and 366, section 1, under 'agricultural' and 'agriculture,' convinces that in modern usage this is a wide and comprehensive term and that statutes using it without qualification must be given an equally comprehensive meaning."

The Turner Turpentine Co. case was followed in *Stuart* v. *Kleck* (129 F. 2d 400 (9th Cir. 1942), which also involved the definition of "agricultural labor" as used in the Social Security Act. In the following cases the courts adopted definitions of "products of the land," "agriculture," "agricultural purposes," "agricultural commodities," "agricultural products," or "agricultural labor," some as used in statutes, in the broad sense of things which are the result of husbandry and the cultivation of the soil (*Sancho* v. *Bowie*, 93 F. 2d 323 (1st Cir. 1937); *Lowe* v. *North Dakota Workman's Compensation Bureau*, 220 Wis. 701, 264 N.W. 837 (1936); *Forsythe* v. *Village of Cooksville*, 356 Ill. 289, 190 N.E. 421 (1934); In Re Rogers, 134 Neb. 832, 279 N.W. 800 (1938); *Getty* v. *C. R. Barnes Milling Co.*, 40 Kan. 281, 19 Pac. 617 (1888); *Florida Industrial Comm'n* v. *Growers Equipment Co.*, 152 Fla. 595, 12 So. 2d 889 (1943).

Congress has recognized that the term "agricultural commodities" may include forest products. Section 207 of the Agricultural Marketing Act of 1946 (60 Stat. 1091; 7 U.S.C. 1626) defines "agricultural products" to include "agricultural, horticultural, viticultural, and dairy products, livestock and poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed and manufactured products thereof."

Section 518 of the Federal Crop Insurance Act (55 Stat. 256; as amended, 7 U.S.C. 1518), defines "agricultural commodity" as "wheat cotton, flax, corn, dry beans, oats, barley, rye, tobacco, rice, peanuts, soybeans, sugarbeets, sugarcane, timber and forests, potatoes and other vegetables, citrus and other fruits, tame hay.

Section 2 of the act of May 9, 1956 (70 Stat. 133; 12 U.S.C. 1841(g)), concerning bank holding companies, defines "agriculture" to include "farming in all its branches including fruitgrowing, dairying, the raising of livestock, bees, fur-bearing animals, or poultry, forestry or lumbering operations, and the production of naval stores, and operations directly related thereto."

Section 1 of the act of March 4, 1927 (44 Stat. 1423; as amended, 15 U.S.C. 431), concerning discrimination against farmers' cooperative associations by boards of trade, states that "agricultural products" "means agricultural, horticultural, viticultural, and dairy products, food products of livestock, the products of poultry and bee raising, the edible products of forestry, and any and all products raised or produced on farms and processed or manufactured products thereof, transported or intended to be transported in interstate and/or foreign commerce."

Section 3 of the Fair Labor Standards Act of 1938 (52 Stat. 1060; as amended, 29 U.S.C. 203(f)), defines "agriculture" to include farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 1141j(g) of title 12), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market."

The present social security tax law, now known as the Federal Unemployment Tax Act, has an extensive definition of "agricultural labor," which includes expressly only some forest products such as naval stores (68A Stat. 447; 26 U.S.C. 3306(k)).

As may be seen, some of the definitions, for the immediate purposes involved in the legislation, include forestry products only in part. However, we believe even in these instances, this serves as an indication that where the terms "agricultural commodities" or "products thereof" are used without qualification it is reasonable to include timber in the concept.

We believe that in the historical development of public attention to the timber resources of this Nation the concept has long been that the growing of trees and the work of forestation and reforestation is a part of agriculture. It also appears to be a necessary corollary that timber is an agricultural commodity and that lumber is a product of such commodity. We have found a number of instances both past and present where this concept is expressed. We will quote a few of these.

In an annual report of the Secretary of the Interior (Ethan Allen Hitchcock) in 1901 the following is stated: [1]

"The keynote of the administration of the forest reserves should be to increase the value of the reserves to the public and to perpetuate their forests by wise use * * *. Forestry, dealing as it does with a source of wealth produced by the soil, is properly an agricultural subject."

Gifford Pinchot, Chief of the Bureau of Forestry in the Department of Agriculture in 1902, in a statement before the Agriculture Committee of the House, declared:

"Forestry is a component part of agriculture. Every source of wealth grown from the soil is in the sphere of the Department of Agriculture; hence the forest work rightly belongs to it. The production of timber is as naturally within the scope of the Department of Agriculture as is the production of field crops."

Secretary of Agriculture D. F. Houston, in a letter to the chairman of the Public Lands Committee of the Senate, June 24, 1918, stated:

"This Department is charged with the task of stimulating and improving the production of all forms of wealth grown from the soil. A forest is a crop, and forestry is primarily a problem of production from the soil."

Secretary of Agriculture E. T. Meredith, in an annual report to the President dated November 15, 1921, stated:

"The Bureau of Crop Estimates secures information on the needs of stockmen and farmers for public and national forest ranges which aids the national forest administration, and collects also data on the products of farm woodlots which is of value in the development of farm forestry. In short, having largely exhausted the forest crop grown in advance; the problem now is to use more widely what remains and to grow other crops to meet our needs. That is to say, forestry is a distinctly agricultural business. The function of the Department as a whole includes efforts for the production of the most effective manufacture, distribution, and utilization of the products of both farm and forest for the benefit of the country at large."

President Franklin D. Roosevelt in a letter to the Joint Committee on Forestry of the Congress declared.[2]

"Forests are intimately tied into our whole social and economic life. They grow on more than one-third the land area of the continental United States. Wages from forest industries support 5 to 6 million people each year. Forests give us building materials and thousands of other things in everyday use. Forest lands furnish food and shelter for much of our remaining game, and healthful recreation for millions of our people. Forests help prevent erosion and floods. They conserve water and regulate its use for navigation for power, for domestic use, and for irrigation. Woodlands occupy more acreage than any other crop on American farms, and help support 2½ million families.

"Our forest problem is essentially one of land use. It is a part of the broad problem of modern agriculture that is common to every part of the country. Forest lands total some 615 million acres."

In testifying in 1951 on S. 1149, a bill to reorganize the Department of Agriculture, Lyle F. Watts, Chief of the Forest Service, stated: [3]

"Forestry and grazing are agricultural functions: Trees and grass are crops. Like corn, wheat, and cotton they start from seed. They respond to the same kind of care given other crops. They are harvested—or at least they should be harvested—so that one crop follows another. Their culture is based on the biological sciences, which are chiefly and in many cases exclusively the concern of the Department of Agriculture. Insect and plant-disease control, genetics, soil science, and other agricultural sciences are as important to growing crops of trees and grass as they are to field crops.

* * * * *

"Forestry and grazing are inseparable parts of agriculture. It takes the same know-how to grow timber in the farmer's woods as it does in forests owned by anyone else. Farm woodlands are indispensable to the Nation's timber supply. Farmers own one-third of all our commercial forest land—139 million acres.

"Turning it around, woodlands are indispensable to the farmer. Forest lands make up half the total farm acreage in New England and about 40 percent of all farm acreage in the South. Forest products provide farmers in many regions with a valuable source of cash income. When forest land is properly managed, the timber harvest can be as regular and dependable as any other crop.

"Farm forestry is an integral part of the Department's farm program. Farmers look to the Department of Agriculture for help on farm forestry just as they do in animal husbandry, fruitgrowing, or other crop problems. The small nonfarm forest properties of 125 million acres, almost as extensive as the farm forests and often intermingled with them, face exactly the same problems and should be served by the same agency.

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[1] Some of the following quotations have been derived from a collected document which is authentic. Time has not permitted review of the original sources.

[2] Mar. 14, 1938, report of the Joint Committee on Forestry, S. Doc. No. 32, 77th Cong., 1st sess.

[3] Hearings before the Committee on Expenditures in the Executive Departments, U.S. Senate, 82d Cong., 1st sess., p. 442.

"Nor can any sharp line be drawn between forestry and grazing. In much of the South and West the same land is used to grow both trees and grass. Thus all such lands are interrelated parts of the Nation's agricultural enterprise.

"And from the watershed angle, forest and grazing lands are inseparably linked with field-crop lands. In every watershed, we must have a unified approach covering all lands to effectively control erosion, floods, and water supply. Soil conservation and watershed management are agriculture, and the Department of Agriculture, under the Flood Control Act of 1936, is responsible for watershed surveys on all lands. Within the Department, the Forest Service and the Soil Conservation Service work together closely to reduce damage from floods and sedimentation on forest, grazing, and other crop lands.

"Adding it all up, any way you look at it, the answer is the same: Forestry and grazing are agriculture."

It is, therefore, our opinion that forestry is a part of agriculture and that timber is an agricultural commodity. It follows therefore, that the products thereof, such as lumber, are products within the definition in section 204. We have attempted to analyze the problem from the standpoint of general precedent and authority. If the foregoing analysis is not consistent with the present intent and purposes of the Congress, you may wish to reexamine the question for greater clarification.

Sincerely yours,

JOHN C. BAGWELL,
General Counsel.

Mr. ELLENDER. Mr. President, as I stated, this is a very simple bill. It authorizes the President, for the purpose of carrying out any agreement under section 204 of the Agricultural Act of 1956, to limit the importation of any agricultural commodity or product covered by such agreement from countries not participating in the agreement. It would be applicable only in the case of agreements where imports from participating countries account for a significant part of the world trade in the article.

Mr. PASTORE. Madam President, will the Senator yield?

Mr. ELLENDER. I will yield in just a few moments. I would prefer to complete my short statement at this time.

Section 204 of the Agricultural Act of 1956 authorizes the President to enter into agreements with foreign countries limiting the importation of any agricultural commodity or product thereof. He does not have clear authority at present to limit imports from countries not participating in the agreement, and this bill would provide such authority. At present the only agreement in force under section 204 is the 1-year cotton textile arrangement in which 19 countries participate. Passage of the bill is urgently needed to prevent anticipated imports from nonparticipating countries vitiating the effect of the agreement.

That is all the bill provides. It is that simple.

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

Mr. ELLENDER. I yield.

Mr. SALTONSTALL. My section of the country is heartily in favor of the bill, from the textile point of view.

Mr. ELLENDER. I was sure it would be.

Mr. SALTONSTALL. What the bill means is that the President, through unilateral action, can make the agreement with 19 countries effective. If this measure does not go through, the multilateral agreement becomes ineffective. Is that correct?

Mr. ELLENDER. Yes; ineffective because the countries not participating in the agreement could send in their products.

Mr. SALTONSTALL. This measure is an extension of the present law. Is that correct?

Mr. ELLENDER. No; it is not an extension. It is a clarification of it. Under the law as it stands, it is doubtful whether the President has authority to limit imports from countries not participating in the agreement. This measure gives him that authority.

Mr. SALTONSTALL. This measure gives him that authority, and it goes on indefinitely.

Mr. ELLENDER. Yes.

Mr. JAVITS. Madam President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. JAVITS. I am sympathetic to the 19-nation agreement, though I am favorable to the liberalization of our trade policy. Was there any testimony before the committee as to the effect, in terms of trade relations, of this bill upon countries which would be affected by it and which, I assume, are not parties to the 19-country agreement?

Mr. ELLENDER. No; there were no hearings on that point.

Mr. JAVITS. Does the State Department give any opinion on it?

Mr. ELLENDER. It did in the hearings held before the Committee on Agriculture of the House. I understand the State Department is favorable to the bill. In fact, all the departments of the Government are in favor of it. The Labor Department and the Agriculture Department are in favor of it, as well as the State Department.

Mr. JAVITS. As well as the Commerce Department?

Mr. ELLENDER. Yes. As a matter of fact, the entire proposal was initiated by the Commerce Department, because of this lack of authority to bind countries that are not parties to the agreement.

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

Mr. ELLENDER. I yield.

Mr. SALTONSTALL. To comment on what the Senator from New York has said, am I correct in saying that 90 percent of the textile imports come within the multilateral agreement, so that only 10 percent of the imports would affect the 19 countries that are a part of the agreement?

Mr. ELLENDER. That is my understanding.

Madam President, I yield the floor.

SENATE RULES OF PROCEDURE

Mr. CLARK. Madam President——

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. CLARK. Madam President, a few moments ago the Senate, by rollcall vote, completed the fourth of four extraordinary actions involving the subjects of literacy tests, civil rights, the Senate rules, and the filibuster.

I should like for a few minutes this afternoon to analyze, first, what happened; second, why it happened; third, the results in the country, and on the Senate itself, of the action which the Senate took; and, finally, to suggest again the necessity for changing the rules of the Senate.

Some persons may say this talk is in the nature of a funeral oration. Perhaps it is, for it certainly marks the demise of any hope of significant civil rights legislation at this session of the Congress. But I think it is important that we should seriously consider in this body what we have just done and give consideration to whether what we did was wise or proper; and, further, look into our own hearts to see whether we in this body are not operating under a great delusion—a delusion that we are not a part of the world today, a delusion that in this air-conditioned chamber, filled with genial friends, we can, in a sense, let the rest of the world go by while we continue to operate under procedures which were obsolete before the end of the 19th century.

Mr. JAVITS. Madam President, will the Senator yield on that point?

Mr. CLARK. I am happy to yield.

Mr. JAVITS. First, I appreciate the Senator's making this statement for our "team" after the vote. This is very sound procedure, since the Senator now has the whole picture in front of him. I am delighted that he is doing so.

Second, I wish to add that not only is the Senate operating under a delusion that we can pursue these archaic procedures, to which the Senator so properly has referred, but to remind the Senate that it is operating under a delusion that the problem will not be here if we do not do anything about enacting legislation, that the Negroes will be very happy about the fact that they are disfranchised, that they will stop "sitting in," stop protesting about doing nothing about it, and that they will settle down to things as they were in pre-Civil War days.

Mr. CLARK. The Senator is eminently correct. We as an institution seem to think that if we say, to borrow a Russian word, "nyet," long enough and loud enough the problems we face can all be swept under the rug; that we can go home, go to bed, and forget about them.

I thank the Senator.

I turn now to a consideration of what happened. At the request of the Attorney General of the United States, the President asked the leadership to take up and attempt to pass a relatively minor civil rights bill, a bill which would have substituted, for existing provisions in the laws of some eight Southern States which provide for literacy tests as a qualification for voting a Federal law providing that anyone who has a sixth-grade education shall not be subjected to any literacy test, but, insofar as that particular qualification is concerned, shall be entitled to vote.

The report of the Civil Rights Commission had made it abundantly clear that in 100 counties in 8 Southern States literacy tests were being abused so as to disfranchise citizens of the United States because of their race or color. The Attorney General was quite right, I think, in desiring that Congress should pass Federal legislation, as the President recommended, to overcome that defect.

This proposed legislation was clearly needed. I believe it to be clearly wise. As I have hitherto argued on the floor of the Senate, I think it is clearly constitutional.

It was obvious from the start, however, that our friends from the South were determined not to permit the proposed legislation to come to a vote. So a desultory debate was engaged in, which went on without much spirit, one way or another, for the larger part of 2 weeks.

The majority and minority leaders were together in sponsoring the proposed legislation and in keeping it before the Senate, so it was a bipartisan measure despite the fact that it was advocated by the President and by the Attorney General.

When I first came to the Senate in 1957, and again in 1960, there was a procedure attempted for dealing with filibusters which was quite different from the procedure in which we engaged this time. We then, as the saying is, used to "go around the clock." The Senate was kept in continuous session. Senators slept on cots or not at all.

We never broke a filibuster that way. The Senate did pass two rather limited civil rights bills, not because the filibuster was broken, but only because our friends from the South were confident that the bills would not result in much damage to their age-long position and were content, after awhile, to let them pass.

This time we used a different procedure, a somewhat more gentlemanly one. We came in late. We adjourned early. Everybody was relaxed.

We did not beat the filibuster that way, either. I do not think anybody seriously thought we could.

After the desultory debate had gone on for awhile, after most Senators who opposed the proposal had made speeches, and after many Senators who supported the bipartisan effort to pass the proposal had made speeches, to give their arguments, to make their position in support quite clear, the leadership moved for cloture under rule XXII.

As we all know, it takes a vote of two-thirds of the Senators present and voting to impose cloture or to limit debate. Last Wednesday the vote on the cloture motion came. The cloture motion was defeated by a vote of 53 to 43.

It is probably not of much significance, but perhaps it should be noted for the RECORD that the Democrats were evenly divided 30–30 in the vote on the first cloture motion, whereas the Republicans voted 23–13 against cloture. On the second cloture vote a thin majority of Democrats voted for cloture, but they were joined by only 11 Republicans.

Then the majority leader took an unusual course. With the sponsorship of the minority leader, the majority leader moved to table his own proposal but announced that he would vote against his own motion. The purpose of this strategy was clear. I believe the strategy was wise. The purpose was to put every Senator on record as to whether he wished the discussion to continue and therefore, presumably, wished to bring the literacy test civil rights bill to a vote, or whether he wished to move on to some other business.

This second rollcall, held within an hour of the first vote, resulted in a vote against the motion to table of 64 to 33. This was a decision to continue debate. This seemed to indicate, at least to the unsophisticated, that a substantial majority, very close to two-thirds, wished to vote on the proposal on its merits.

Thereupon, the majority leader and minority leader, along with other Senators, filed another motion for cloture. Under the agreed procedures the motion was to come to a vote, and did come to a vote, yesterday. No minds were changed. Two Senators who had been present last Wednesday were absent. The vote against cloture was 52 to 42.

Thereupon the majority leader gave up, having concluded that not even a majority of the Senate was prepared to vote to limit debate. He concluded, and I think correctly, that there was no prospect of beating the filibuster, and that the Senate might as well go on to other business.

I regret, and many of us who supported the majority leader and minority leader in their sponsorship of the proposed legislation regret, that the leadership did not see fit to wait several days, perhaps even a week or two, before renewing the motion for cloture, in the hope that other Senators who had been unwilling to vote to limit debate in the first instance would change their minds and vote for cloture when they saw that the debate was dragging on to an interminable length and that there could be no conceivable suggestion that there had not been full and free debate.

Our suggestion in this regard was not acceptable to the majority and minority leaders. They certainly have the right to determine the procedures under which the Senate operates from day to day, so I make no serious complaint about what was done, other than to say I regret it.

So some of us, led by the Senator from Illinois [Mr. DOUGLAS] and the Senator from New York [Mr. JAVITS] concluded that there ought to be a fourth vote, to determine whether a majority in the Senate today still felt the way a majority of the Senate felt less than a week ago, last Wednesday, when, as Senators will recall, by a vote of almost two to one the Senate determined to continue the debate.

The majority leader indicated that he would not support us in that regard—he thought the Senate had had a run for its money; he felt the calendar was becoming crowded, with the session almost 5 months old; and he felt the wise thing to do was to turn to other business. It immediately became apparent that, the majority leader having shifted his position, our efforts to continue the debate were doomed to failure. Nevertheless, we did what we could to support our position.

As expected, only a few minutes ago the Senate decided by a vote of 49 to 34 to consider other business, the textile bill—thus the civil rights proposal was ready for interment for the remainder of this session.

It occurs to me that the 20 Senators who voted against cloture but also against the motion to table last Wednesday; and the 15 Senators who voted against cloture, against the motion to table last Wednesday, and in favor of the motion to consider other business today, owe their colleagues and the country an explanation of their votes.

What the Senate has done in these four votes might well be compared to the ancient nursery rhyme about the King of France who marched up the hill with all his men, and then turned around to march right down again. I suggest that it is difficult indeed for the country to understand what we have done in the past week, and utterly impossible for our friends abroad, who are not aware of the peculiar procedures of this peculiar institution, to appreciate what we did.

I turn now to the second part of my talk. Why did we do what we did? Various explanations have been offered. I suggest the following:

First, we are bound in this body by archaic rules dating back many years, which make it impossible for the Senate to act when a majority is ready for action. That a majority was ready for action last week I think is clear from the vote of 64 to 33 in opposition to the motion to table. It is true that a majority of the Senate voted twice not to impose cloture and terminate debate. But that, I take it, merely means, for various reasons, most of them traditional, that the Senate, although it knew it was ready for action and the majority wanted to act, was nonetheless unwilling to violate tradition by imposing a limitation of debate That is an old captivity of ours. I think it leads to the conclusion that our rules are hardly appropriate for the modern world. We are the only civilized legislative body in the world which cannot terminate debate, and the fact that less than a majority desired to terminate debate last week while substantially more than a majority wanted to bring the pending business to a vote, while it indicates the inconsistency of the Senate, does not, I believe, detract from the conclusion that the rules of the Senate put a premium on inaction and impose a penalty on those who wish action to take place.

The second reason why we behaved as we did is that the ghost of John C. Calhoun still hovers over the Senate Chamber. It was his doctrine of the concurrent majority, advanced in a number of eloquent speeches in this body before the Civil War, which actually did as much as anything else to bring on the bloody conflict between the States. In essence, that doctrine was that no action shall be taken in the Senate unless there is a majority of all the different groups, classes, and sections of the country which have an interest in the proposed legislation. It is

a doctrine which I thought had been discredited. Certainly the results of the Civil War overturned it insofar as the burning question of that day—human slavery—was concerned. Yet careful research has failed to reveal a single authoritative reply to Calhoun's doctrine of the concurrent majority. I believe the action of this body in the days since the Civil War led to the irresistible conclusion that that great Senator from South Carolina still works his way in this body. Long after his death he has allies that, I suspect, he would not have anticipated. They now rush to his support. They include not only Senators from the united Deep South, but a substantial number of Senators from other and newer States with small populations, notably in the mountain areas, who fear that if they did not support the filibuster, the economic and social interests of their States might be adversely affected in the future by majority action in this body. Thus we find that because enough Senators stuck by their determination not to vote for limitation of debate, a majority of the Senate was unwilling to bring to a vote a bill which almost two-thirds of the Senate was ready to vote upon.

A third reason we behaved as we did was lack of any deep conviction behind the literacy test bill. The civil rights groups throughout the country did not have the measure high on their priority list. They are interested primarily, and understandably so, in part III of the original civil rights bill of 1957 which would give the Attorney General authority to initiate and intervene in all kinds of situations in which the privileges and immunities of citizens, their right to the equal protection of the laws, and their right to vote was threatened or violated. They are also deeply interested in proposed legislation which would expedite and promote integration in the public schools. They did not strongly support the effort to have the pending legislation brought forward for a vote on the merits and passed. So there was no steam behind the effort to pass the bill.

A fourth reason, I think, was that the timing, while seemingly good, actually turned out to be unfortunate. We discovered last summer that civil rights legislation has little chance of passage toward the end of a session. To be sure, we were then dealing with a change in rule XXII and not civil rights legislation itself. But the principle is the same, since the major purpose in changing the rule was to expedite consideration and passage of proposed civil rights legislation. But it now appears clear in retrospect that we cannot pass proposed civil rights legislation if we do not start to do so until midspring.

This is because there are many other pressing issues on the calendar which the Senate is anxious to dispose of before adjournment for the year.

Finally, I believe the attitude of the leadership was important in the action we took today. Quite frankly, the leadership gave up. I do not condemn my majority leader for that action. It may well be that his decision was wise. But certain it is that since last Wednesday he did not have his heart in a continuing effort to press this legislation to a vote on its merits and to pass it. These, then, were the factors which explain why we did what we did.

I do not believe that the constitutionality question had much to do with our action. It is true that the able Senator from Kentucky [Mr. COOPER], somewhat to the surprise of many of us, announced his opposition to a bill we thought he would support, on the ground that he concluded it was unconstitutional. However, I suggest that there were few if any other Senators whose real motivation in opposition to the bill was the alleged lack of constitutionality.

As I listened to and read the debates on the constitutional question, I came slowly to the conclusion that Senators who argued that this bill was unconstitutional were operating to a very great extent under the subconscious notion that they were arguing the Dred Scott decision before a Supreme Court of the United States whose Chief Justice was Roger B. Taney. The arguments almost entirely ignored the 14th and 15th amendments. They ignored the opinion of the Attorney General. They ignored the opinion of the Civil Rights Commission and its very able member, Dean Griswold of the Harvard Law School. They conducted the constitutional arguments in more or less a vacuum, as though the Civil War amendments to the Constitution had never been adopted. In particular, the constitutionality argument ignored the present composition of the Supreme Court of the United States and its recent decisions in the field of civil rights.

I believe I am telling no secrets out of school when I say that a number of the Senators who argued most vehemently against the constitutionality of the bill have stated their private conviction that the present Supreme Court, if the bill had been passed and were to come before it, would conclude, as the Attorney General did, as Dean Griswold did, and as the able constitutional lawyers in the Senate who supported us did, that the proposal was clearly constitutional.

Therefore, I discount the constitutionality argument. I conclude that we did what we did largely because we operate today under rules and practices which honor the memory of John C. Calhoun and his doctrine of concurrent majority.

I have suggested, Madam President, that until we in the Senate get this great delusion out of our heads we are in grave danger of finding the Senate incapable of performing its constitutional functions in the modern world.

To be sure, for the past 2 or 3 weeks we have been engaged largely in shadowboxing. There was a lack of reality about the issue. Very few Senators were emotionally committed or aroused. A few, of course, were thus affected on both sides. However, the end result was that tradition prevailed, and wise and needed action was deferred for at least the remainder of this year.

I say again that behind all of the peripheral reasons for this action lies the ghost of John C. Calhoun.

I turn now to my third point: What is the result of what we have done? I suggest, first, that our action makes clear to the country, and indeed to the world, that in the area of human liberty and human freedom of our Negro fellow citizens the Government of the United States, consisting as it does of three coordinate bodies, the executive, the legislative, and the judicial, is hitting only on two of its three cylinders. The legislature refuses to play its proper part in dealing dispassionately with a great issue which concerns the country and, indeed, the world in critical form.

The judiciary has done its part well. It is doing its part in every case which comes before it dealing with the question of human liberties and civil rights.

The executive, after taking a few timid steps before January 1961, finally sprang into action under the leadership of our President, John Fitzgerald Kennedy. It has done more in the past year and 3 months to advance the cause of civil rights than had been done in all of the 8 years immediately preceding. There is still much the executive can do. There is still much that I hope the executive will do before this year is out. However, the executive has played a fair part in the battle for human liberty, and so has the judiciary.

It is only in the area of the legislature that the representative institutions of the American people have fallen down. I will not be harsh with my colleagues. It would be impertinent of me, and it would serve no useful purpose; but there will be those in this country and abroad who will believe that what we have done is what our English friends call a public shame. There is little of which the Senate can be proud in its actions during the last few weeks.

If this speech of mine should have no other result—and I am not saying that it will have any result—at least I have a faint lingering hope that it may play some small part in releasing us from the great delusion under which we suffer and of which I spoke a little while ago. We live in a dream world in this institution, as my recent colloquy with the Senator from New York [Mr. JAVITS] emphasized. We seem to believe that, in a modern, constantly shrinking world, with increasingly rapid-fire and important problems confronting us, we can go quietly on in the leisurely ante bellum ways, in the leisurely ways of the second half of the 19th century, and that we can do very little, and that what we do can be not enough, but that this does not matter very much; that, after all, there is nothing very serious going on, and if we do not act today, perhaps we can act tomorrow. Most problems which are postponed tend to go away and do not have to be met.

Madam President, I am fearful of the mood of the Senate suffering under the great delusion. In this body, we render the American giant impotent by procedures at variance with the procedures of every other legislative body in the civilized world.

So I must conclude on a note of grave concern. There are two areas, I fear, where the Senate is not yet prepared to act, but in which action may well be essential to survival. As I have indicated the first of these areas is that of civil rights. I believe civil rights legislation

is necessary not only to our domestic well-being but also to the success of our foreign policy.

At home, an awakened, better educated Negro citizenry simply will not put up much longer with the denial of the privileges and immunities of citizens, of the equal protection of the laws, and of the right to vote without regard to race or color. This becomes more apparent as we pick up the newspapers every single day. Of course, progress has been made, but wide areas of discrimination remain to be eliminated in education and in housing, and such discrimination can be fully eliminated only with the aid of further legislation. This discrimination is actively supported by a highly vocal minority, both north and south of the Mason-Dixon Line, and ably represented in both Houses of Congress. One of its most unfortunate effects is that in Africa, Asia, and large areas of Latin America, our protestations of liberty and equality are written off as hypocrisy. The result of endless and continuing damage to our position of world leadership is growing more serious every day.

The second area where our procedures and the great delusion, in my judgment, threaten the security of our country in the foreseeable future is that of foreign policy. This goes back not only to the procedures under which we operate, but, even more serious, to the constitutional provision that two-thirds of the Senate present and voting is required for the ratification of a treaty. Consider the areas in which delicate negotiations looking toward the establishment of permanent peace must be brought to a successful conclusion: Through the treaty process, trade agreements, nuclear testing, strengthening the charter of the United Nations, the repeal of the Connally amendment, and a number of other measures. In each instance, some yielding of national sovereignty is required. In each instance, an informed executive, exercising his best judgment, will probably conclude that certain risks must be taken in the hope that the cause of a lasting peace may be advanced.

Conservative public opinion will be rallied against the ratification of meaningful international treaties by the Senate. One can predict in advance the recourse to the flag, to patriotism, to the pocketbook, to the deeply felt distrust of foreigners. The test of intellectual and emotional maturity will be presented each time. It will never be popular to vote to withhold any small part of national sovereignty. A President can perhaps be excused if realistically appraising the Senate's position, he fails to assert aggressive leadership in all of these areas. The history of Woodrow Wilson and the League of Nations is written too plainly not to be read and understood by every occupant of the White House.

Today there is a group which comprises more than one-third of the Senate plus one which would be loathe indeed to move very far toward that internationalism which many believe essential to peace and well-being. This group has at its command not only the constitutional requirement of the two-thirds vote, but all the rules and procedures of the Senate, as well. I ask with some concern, What will the role of the Senate be in the 1960's? Surely the happenings of the last week cannot give us much ground for optimism. Will this body remain a hesitant supporter of that status quo so much admired in conservative circles and resist change in a changing world? Or will the new Members of the Senate, elected in 1958 and 1960, introduce a new and vigorous leadership, spurred on by a President, to take arms against the troubles which confront it, by opposing, somehow or other, before it is too late?

A similar crisis confronted the Senate on March 4, 1917, following the failure of the 64th Congress to pass the Armed Neutrality Act. That crisis was more critical than the one with which we are immediately confronted. I suggest that it was not more critical than the crises which those of us in this body will be confronting not only in the field of civil rights but also in the area of foreign policy in the years immediately ahead. Many persons will remember the historical controversy with President Woodrow Wilson with respect to the passage of the Armed Neutrality Act, which would have permitted the arming of our merchant ships, which were then being sunk in increasing numbers by German submarines. It may well be that the statement issued, in anger, by President Woodrow Wilson from the White House on March 4, 1917, has been referred to recently in the literacy test debate; but if it has been, I have failed to see it. I close my statement this afternoon by asking unanimous consent that at its conclusion there be printed in the body of the RECORD the entire statement issued by Woodrow Wilson at that time.

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

Mr. CLARK. Madam President, the pertinent point made by President Woodrow Wilson can be summarized as follows: He recalled that 11 Senators—whom he referred to as 11 willful men—had by their then unlimited right of unlimited debate prevented the passage of the Armed Neutrality Act until Congress was, by the Constitution as it then existed, forced to adjourn at noon on March 4, 1917.

He pointed out that that condition disclosed "a situation unparalleled in the history of the country, perhaps unparalleled in the history of any modern government." He stated:

> In the immediate presence of a crisis fraught with more subtle and far-reaching possibilities of national danger than any other the Government has known within the whole history of its international relations, the Congress had been unable to act either to safeguard the country or to vindicate the elementary rights of its citizens.

And he said that was "because a little group of 11 Senators had determined that it should not" act.

President Wilson pointed out that the Senate then had "no rules by which debate can be limited or brought to an end, no rules by which dilatory tactics of any kind can be prevented." He said:

> A single Member can stand in the way of action if he have but the physical endurance.

Then he said:

> The result in this case is a complete paralysis alike of the legislative and of the executive branches of the Government.

Madam President, I commend to my colleagues a reading of the entire statement.

I should like to refer to two more of its pungent phrases. President Wilson said:

> But the Senate cannot act unless its leaders can obtain unanimous consent. Its majority is powerless, helpless.

A little later he said:

> The explanation is incredible. The Senate of the United States is the only legislative body in the world which cannot act when its majority is ready for action. A little group of willful men, representing no opinion but their own, have rendered the great Government of the United States helpless and contemptible.
>
> The remedy? There is but one remedy. The only remedy is that the rules of the Senate shall be so altered that it can act. The country can be relied upon to draw the moral. I believe the Senate can be relied on to supply the means of action and save the country from disaster.

President Wilson was correct: The Senate did supply the means of action, and did help protect the country from the immediate danger facing it. A cloture rule was adopted, under the leadership of Senator Thomas Walsh, of Montana. The 11 men were overridden.

Madam President, I close with a plea that we take a long, hard look at what we have done today, in light of the responsibilities we shall be called upon to face in the foreseeable future. Just as the Senate acted then to adopt a cloture rule adequate for the crisis at that time, so I am convinced that next January the rules of this body must be so changed that it will be able to act when a majority is ready for action, and thus free the Senate from the great delusion and the ghost of John C. Calhoun.

EXHIBIT 1

WOODROW WILSON—STATEMENT

[Issued from the White House by the President March 4, 1917, following the failure of the 64th Congress to pass the Armed Neutrality Act]

The termination of the last session of the 64th Congress by constitutional limitation discloses a situation unparalleled in the history of the country, perhaps unparalleled in the history of any modern government.

In the immediate presence of a crisis fraught with more subtle and far-reaching possibilities of national danger than any other the Government has known within the whole history of its international relations, the Congress has been unable to act either to safeguard the country or to vindicate the elementary rights of its citizens.

More than 500 of the 531 Members of the two Houses were ready and anxious to act; the House of Representatives had acted by an overwhelming majority; but the Senate was unable to act because a little group of 11 Senators had determined that it should not.

The Senate has no rules by which debate can be limited or brought to an end, no rules by which dilatory tactics of any kind can be

prevented. A single Member can stand in the way of action if he have but the physical endurance.

The result in this case is a complete paralysis alike of the legislative and of the executive branches of the Government.

The inability of the Senate to act has rendered some of the most necessary legislation of the session impossible, at a time when the need for it was most pressing and most evident. The bill which would have permitted such combinations of capital and of organization in the export and import trade of the country as the circumstances of international competition have made imperative—a bill which the business judgment of the whole country approved and demanded—has failed.

The opposition of one or two Senators has made it impossible to increase the membership of the Interstate Commerce Commission or to give it the altered organization necessary for its efficiency.

The conservation bill, which should have released for immediate use the mineral resources which are still locked up in the public lands, now that their release is more imperatively necessary than ever, and the bill which would have made the unused waterpower of the country immediately available for industry, have both failed, though they have been under consideration throughout the sessions of the two Congresses and have been twice passed by the House of Representatives.

The appropriations for the Army have failed, along with the appropriations for the civil establishment of the Government, the appropriations for the military academy and the general deficiency bill.

It has proved impossible to extend the powers of the Shipping Board to meet the special needs of the new situation into which our commerce has been forced, or to increase the gold reserve of our national banking system to meet the circumstances of the existing financial situation.

It would not cure the difficulty to call the 65th Congress in extraordinary session. The paralysis of the Senate would remain. The purpose and the spirit of action are not lacking now.

The Congress is more definitely united in thought and purpose at this moment, I venture to say, than it has been within the memory of any man now in its membership. There is not only the most united patriotic purpose, but the objects Members have in view are perfectly clear and definite. But the Senate cannot act unless its leaders can obtain unanimous consent. Its majority is powerless, helpless.

In the midst of a crisis of extraordinary peril, when only definite and decided action can make the Nation safe or shield it from war itself by the aggression of others, action is impossible.

Although as a matter of fact the Nation and the Representatives of the Nation stand back of the Executive with unprecedented unanimity and spirit, the impression made abroad will, of course, be that it is not so and that other governments may act as they please without fear that this Government can do anything at all. We cannot explain.

The explanation is incredible. The Senate of the United States is the only legislative body in the world which cannot act when its majority is ready for action. A little group of willful men, representing no opinion but their own, have rendered the great Government of the United States helpless and contemptible.

The remedy? There is but one remedy. The only remedy is that the rules of the Senate shall be so altered that it can act. The country can be relied upon to draw the moral. I believe the Senate can be relied on to supply the means of action and save the country from disaster.

MILITARY APPROPRIATIONS AND THE MILITARY INDUSTRIAL COMPLEX

Mr. CLARK. Madam President, I ask unanimous consent to have printed in the body of the RECORD a most interesting letter from Washington, by the well-known reporter, Richard H. Rovere, published in the May 12 issue of the New Yorker magazine, commenting on the criticism the Senator from Wisconsin [Mr. PROXMIRE] has been making about the actions of Congress with respect to military appropriation bills, and also commenting on the great power—against which President Eisenhower has recently warned us—of the military-industrial complex in this country.

I commend the Senator from Wisconsin [Mr. PROXMIRE] for the statements he has been making on this subject; and I believe that Mr. Rovere's penetrating article is entitled to the careful consideration of all Members of the Senate.

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

LETTER FROM WASHINGTON

(By Richard H. Rovere)

For several years now, a bipartisan coalition that consitutes almost the entire membership of the legislative branch has been voting military budgets in excess of what has been requested by the executive branch. "It is as predictable as the coming of May," Senator WILLIAM PROXMIRE, of Wisconsin, one of the few nonmembers of the coalition, said in early April, "that the Congress, instead of pursuing its usual critical approach to administration spending programs, will actually increase the more than $50 billion defense budget that is now before it." The day the Senator spoke, the House passed a $13 billion military authorization bill in 1 minute. A short while earlier, it had authorized, without a single dissenting vote, the spending of $491 million on the development of an airplane—the B–70, a supersonic manned bomber and reconnaissance plane, which, in the course of the argument, was rechristened the RS–70 to call attention to its reconnaissance capabilities—that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff felt would make no important contribution to national security, even if everything went according to plan and it was off the production line by 1970. For a time, it seemed as if the congressional proponents of this plane were determined to provoke a constitutional crisis by "directing" the reluctant President and his Secretary of Defense to spend the authorized funds within a stated period. The crisis was averted by a compromise (the White House agreed to undertake a sober review of the B–70 program in exchange for an assurance that the House leaders would not this year test their presumed power to compel the disbursement of funds), but the authorization stands, and unless the administration finds in the program some virtue it has not thus far been able to see, the crisis may be upon us next year. In any case, no one here doubts the essential soundness of Senator PROXMIRE's charge that "there is in Congress today no disposition to challenge military spending, no matter how vast the sums involved or how eloquent the testimony that they are patently unjustified."

Now and then, to be sure, a congressional committee will be sharply critical of the procurement methods of various agencies within the Defense Establishment, or will expose outrageous profiteering by defense contractors. Congress wants the money it provides for the common defense to be spent on military goods and services, and it does not like to hear, as it recently did, of a million-dollar profit on an investment of $3,500. But its occasional zeal for managerial tidiness and for what it regards as a fair distribution of profits and contracts does not appear to be accompanied by even a mild interest in the proposition that a substantial part of the money it appropriates may be wasted even when procurement methods are sound and the profits suitably modest. "The few of us in Congress who protest are always drowned out," Senator PROXMIRE said. "I am confident it will happen again this year."

Despite the unanimous House votes and the 1-minute floor debates, there is, in all likelihood, a good deal more uneasiness and concern in the minds of individual Congressmen than their public behavior reveals. Congressmen are by no means less perceptive than people in other branches of government, and there has been for some time here a general awareness of the increasing dependence of our whole society on national defense—on national defense not merely as needed protection but as a central institution, a permanent and perhaps essential feature of the economy, a part of our way of life. For a number of reasons, this awareness has come slowly and painfully. During the middle and late years of the Eisenhower administration, there was a widespread conviction, supported by fairly impressive evidence, that the President was too complacent about the Soviet advances in rocketry and too reliant on the doctrine of "massive retaliation." Moreover, there was an almost universal eagerness to believe that the Communists were dead wrong in saying that our economy would collapse if it were not for the arms race.

Almost every partisan of large military expenditures was in some degree a believer in general disarmament, and any hope for disarmament had to be grounded on the conviction that if the cold war could somehow be brought to an end, or if there could be an enforceable agreement to pursue the conflict with political and economic weapons only, the United States could and would cheerfully divest itself of its weapons, maintain a high level of prosperity, and divert at least some of the money saved into more productive and civilized enterprises. On this question, the economists, both Republican and Democratic, were sanguine. President Eisenhower's Council of Economic Advisers repeatedly assured him that, at least in theory, the economy could get along very nicely without armaments, and in this they had the support of most of their professional colleagues who were being consulted by the Democrats. (The economists relied heavily on the experience of the years from 1945 to 1949, a period in which we disarmed with great speed and with something approaching completeness, yet maintained full employment and moved to new high levels of production.) It may be that the confidence of the economists has all the justification now that it had a few years ago; our system has often surprised even its defenders by its resilience and adaptability, and no one has yet suggested that we have reached the point where we could not survive disarmament. But there is in many quarters here the feeling that it would be more difficult today than it would have been 4 or 5 years ago, and that we may well be on the road to becoming a garrison state.

What is still the most memorable statement on this melancholy possibility was made by Dwight D. Eisenhower in his remarkable valedictory address to the Nation 3 days before the inauguration of President Kennedy. With an uncharacteristic and wholly unexpected degree of emotion, he spoke of the "conjunction of an immense Military Establishment and a large arms in-

dustry" as something unprecedented in our history and "new in the American experience." And he went on, "In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together." Mr. Eisenhower's speech put the term "military-industrial complex" into the current language of politics, and his warning was almost immediately echoed by his successor. In a special message on the defense budget a few weeks later, President Kennedy said, "Neither our strategy nor our psychology as a nation—and certainly not our economy—must become dependent upon our permanent maintenance of a large military establishment." It is well known here that Mr. Kennedy fully shares his predecessor's alarm. Even on a matter like the resumption of atmospheric testing, he was careful to satisfy himself that he was not responding simply to the arguments of those who might, however unconsciously, have a professional or political stake in the decision. Roswell Gilpatric, the present Deputy Secretary of Defense, has called Mr. Eisenhower's valedictory his greatest public legacy. But neither Mr. Eisenhower's speech nor Mr. Kennedy's awareness has had any perceptible impact on policy as it is made in Congress.

When Mr. Eisenhower spoke of the weight of the military-industrial complex, he undoubtedly had in mind the sheer magnitude of the machinery of defense, which now accounts for about 10 percent of all economic activity, provides more than 7 million jobs, and requires the spending of sums of money that each year exceed the net income of all the country's corporations put together. This city, however, tends to view institutions in terms of their living representatives or agents here, and in most of what has been said or written about the military-industrial complex the stress is on the number and influence of the people involved in the process whose end product is the seven and a half million defense contracts and subcontracts negotiated in each fiscal year for goods and services that are paid for with revenues that the Congress must raise and appropriate. What information there is on these people is superficial and woefully incomplete, but, even so, some of the known figures are staggering. Before the Second World War, the War and Navy Departments had between them five officers charged with maintaining a useful liaison with Congress. By the end of the war, there were 65. By 1960, the services, combined in the Department of Defense, had 500 or approximately one for each Congressman. What all this costs the Defense Department has been, over the years, the Defense Department's secret. Not long ago, however, a State Department statistician estimated for a representative of the Chicago Daily News that the Pentagon spends roughly $30 million a year on public information, which is 20 times as much as the State Department spends. The source, who added bitterly that Defense people make six times as many speeches on foreign policy as State Department people, was not the most objective in the world, but the figures seemed sound to most observers here. But if few figures exist on the number of military lobbyists, no one has the faintest idea how many representatives industry maintains. Since 1946, there has been on the books a Regulation of Lobbying Act, which requires professional pleaders to register with the Clerk of the House and the Secretary of the Senate and to file detailed financial statements. The law is a joke. It has been estimated that not 1 in 10 lobbyists registers. The financial statements of those who do are generally thought to be valueless. In any case, the really important lobbying done by industry is done not in Congress but in the Pentagon.

The defense contractors take their case to the military men, who, if they find it persuasive, take it to Congress. Very often, the industry men are former military men. A study made by the Investigations Subcommittee of the House Armed Services Committee in 1959 turned up more than 1,400 retired officers of the rank of major or higher in the employ of a hundred leading defense contractors. Two hundred and sixty-one were generals or admirals. General Dynamics, which employed the largest number of retired officers (187, of whom 27 were generals or admirals), chanced to be awarded the largest defense orders of any firm in 1960. The head of General Dynamics at the time was Frank Pace, a former Secretary of the Army. As Vice Adm. Hyman Rickover, an astute observer of the ways things get done and don't get done in the military, has pointed out, there is very likely to be a tie that binds any retired officer to the men who move up in the service as a consequence of his retirement.

The 1959 investigation turned up a few instances of large-scale partygiving by defense contractors for procurement officers and Congressmen, and there is a tendency here to think that if a way could be found to isolate the military men and politicians from this sort of thing, the power of the military-industrial complex would be greatly lessened. There have been cases in which pressure has been used rather nakedly. Senator PROXMIRE has cited one in which, during the summer of 1960, "the Pentagon succeeded in stopping cold a bill providing for Small Business Administration participation in Government procurement, although the bill had unanimously passed the Senate and was well on its way to passage in the House when the armed services intervened." It is doubtful, though, whether the road to the garrison state could be blocked even if a way could be found to eliminate all shady influences on procurement and on the making of budgets. In this connection, the case of Senator HENRY JACKSON, of Washington, is instructive.

Among those who consider themselves politically literate and au courant, it is fashionable to cock a knowing snook when Senator JACKSON's name comes up, and to impart the intelligence that he has been referred to as "the gentleman from Boeing," meaning that he has often been found extolling the qualities of such Boeing products as the Air Force's Bomarc missile and the B-52 bomber. The implication is that Senator JACKSON is somehow or other tied to the Boeing management. This is pathetically—perhaps even tragically—wide of the mark. Senator JACKSON is probably as incorruptible as any Member of the 87th Congress. It is simply unthinkable that any amount of free entertainment provided by defense contractors would influence his judgment on a military question. It is just as unthinkable that he could be reached by any spurious argumentation advanced by Pentagon lobbyists. He is fully as wise to their ways as is Senator PROXMIRE. Senator JACKSON, who is highly intelligent and as politically sophisticated as anyone in this city, is also, it so happens, a really first-class student and critic of military strategy. He is an Army Reserve officer with the rank of lieutenant colonel, and he has spent 8 years as a member of the Senate Armed Services Committee. He is, furthermore, a Democrat (he served as chairman of the Democratic National Committee during Mr. Kennedy's 1960 campaign for the Presidency) whose bent is leftward and and whose support in the State of Washington comes not from business interests but from organized labor and from farmers. In his exceptional case, Senator JACKSON is undoubtedly persuaded of the merits of Boeing products and of Boeing's ability to do just about anything that is asked of it. If he should ever come to believe otherwise, however, he would find himself in a politically impossible situation. Boeing—which in 1961 was the third largest defense contractor in the country and had more than a billion dollars' worth of Government orders, or 4.8 percent of the total—is to Seattle and Washington as Du Pont is to Wilmington and Delaware.

The executives and the principal stockholders of Boeing might not find it too difficult to survive a prolonged decline in the company's fortunes, but such a decline would work enormous hardship not only on tens of thousands of workers but on all the tradesmen and service people whose income derives indirectly from this giant member of the military-industrial complex. It cannot, perhaps, be said that what is good for Boeing is good for America, but it can surely be said that what is bad for Boeing is bad for the State of Washington, a commonwealth for whose interests Senator JACKSON must speak here.

There are relatively few Members of Congress representing constituencies in whose lives a single Government contractor plays as large a part as the Boeing Co. plays in the lives of the citizens of Washington. There is probably, however, not one Congressman whose district does not have some major enterprise that is part of the military-industrial complex. According to a survey made by the Congressional Quarterly a little over a year ago, 282 of the 437 Members of the House of Representatives each has within his district at least one of the 738 installations of the armed services, the Atomic Energy Commission, and the National Aeronautics and Space Administration. The average is thus somewhat better than two and a half installations each, and even the lesser ones can be of such importance to a Congressman as to lead him to lose his bearings and speak of defense as though it were nothing but a prop for the local economy. Last year, Representative SAMUEL STRATTON, a Democrat from upstate New York, wired the Secretary of the Air Force, Eugene Zuckert, to express displeasure at reports of a plan to transfer certain operations from Griffiss Air Force Base, near Rome, N.Y., to some other place. "It is fantastic to learn," Mr. STRATTON's telegram said, "that one more defense department is considering recommendations which would have the effect of increasing unemployment in upstate New York, already hard hit by layoffs." Senators JAVITS and KEATING, also of New York, have repeatedly protested the fact that California gets 23.7 percent of "military procurement actions" as against New York's 11.7.

In recent years, indeed, Congressmen have tended less and less to justify their military recommendations on the ground of effective national defense and have become rather charmingly candid in their view of defense as a pork barrel. "I am getting pretty hot under the collar," Representaitve KEN HECHLER, of West Virgina, told the House a couple of years ago, "about the way my State of West Virginia is shortchanged in Army, Navy, and Air Force installations." It was this sort of thing that frustrated the Eisenhower administration's repeated efforts to reduce National Guard and Army Reserve manpower to levels that would, as Mr. Eisenhower put it, "conform to the changing character and missions" of the regular services. In testimony before a subcommittee of the Joint Economic Committee early in 1960,

Representative JAMIE L. WHITTEN, of Mississippi, said:

"I am convinced defense is only one of the factors that enter into our determinations for defense spending. The others are pump-priming, spreading the immediate benefits of defense spending, taking care of all services, giving all defense contractors a fair share, spreading the military bases to include all sections, et cetera. There is no State in the Union, and hardly a district in a State, which doesn't have defense spending, contracting, or a defense establishment. We see the effect in public and congressional insistence on continuing contracts, or operating military bases though the need has expired."

"Paradoxically," Senator PROXMIRE said a few days ago, "the anything-goes-for-defense attitude may be giving us a weaker military posture as well as a larger bill. The heaviest lobbying pressure—and, inevitably, the most potent with Congress—is to hold on to old weapons, keep old assembly lines rolling, and maintain old jobs. In a time of change and innovation, this could be deadly."

Mr. CLARK. Madam President, I yield the floor.

AMENDMENT OF THE AGRICULTURAL ACT OF 1956

The Senate resumed the consideration of the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956.

Mr. HRUSKA. Madam President, on tomorrow we shall begin the debate on the so-called cotton textile bill, House bill 10788.

I rise in support of the Mundt amendment. Briefly stated, the amendment's purpose is to extend to the livestock industry the protective benefits conferred by Presidential action upon the cotton industry against the inroads and injury of imports.

While it cannot be said that section 204 of the Agricultural Act of 1956, upon which the President's action is based, is the most desirable legislation, yet if it is to be used, it should be equitably and fairly extended to major parts of agriculture in need of its benefits—rather than to be applied in a discriminatory and partial manner to only one.

Section 204, Agricultural Act of 1956, reads as follows:

The President is authorized to negotiate agreements with foreign governments in an effort to limit the export to the United States of agricultural commodities or products, including textiles or textile products.

The powers and scope of this section are unlimited. In fact, they are absolute. Thus, it could be said they compose the sovereignty of the Nation—exercised by the conscience of the Chief Executive. Surely that conscience is not narrow, restrictive, or small. Those of us who are supporting the Mundt amendment believe that, upon due consideration, all concerned will view this bill in the larger, more comprehensive sense which will more truly approximate its intended purpose, if it is to be used at all.

It should include the livestock, poultry, dairy, and timber industries, as well as cotton. The Mundt amendment will achieve this. It reads as follows:

Provided, however, That no agreement in regard to cotton and cotton textiles shall be enforced pursuant to the provisions of this section until such time as the President has negotiated agreements with representatives of foreign nations limiting in like manner the export to the United States from foreign countries of the following commodities: beef and beef products, pork and pork products, fresh and frozen lamb, poultry and poultry products, dairy products, timber, and timber products.

The U.S. Government now pays exporters of cotton a subsidy of 8.5 cents a pound on both raw cotton and the cotton content of manufactured goods, to make these items competitive at world prices.

Cottongrowers in America and the textile mills abroad are very happy with this arrangement. But textile mills within the United States are very distressed as a result thereof, because they know that with the low wage scale of foreign textile mills, the already precarious condition of American mills will deteriorate further.

Already, several steps have been taken to assist them in their plight. For example, not too long ago a new depreciation schedule for textile machinery was announced; the President, through his Secretary of Agriculture, had petitioned the Tariff Commission for imposition of an import equalization fee on imported cotton goods of 8.5 cents a pound, to offset the cost advantage in raw cotton enjoyed by foreign manufacturers, since domestic manufacturers must buy at supported prices; a tentative agreement was reached among 19 nations, including the United States, to limit foreign sales of cotton textiles to the United States, this being done pursuant to section 204 of the Agricultural Act of 1956 to which I have already referred; and, finally, the introduction of the pending bills—one in the House of Representatives and one in the Senate—which would enable the President to regulate—presumably to the point of prohibition—any cotton textile imports from nonagreement countries.

It would appear that these steps are warranted on account of the distressing and receding state of textile manufacture in the United States. Such recession is evident because the number of textile workers has progressively diminished. In fact, in 15 years by about some 300,000 workers or 28 percent. Also, the number of mills closed in that period of time numbered about 844. Furthermore, imports of textiles were $112 million greater than exports in 1960—a reversal of balance, as against previous years.

Generally, there is sympathy for the plight of textile manufacturers in the United States. Generally, there is gratification that something can be and is being done about it. One would be crass indeed if he did not rejoice in the saving of American jobs; in the continued use of American factories and equipment; in an increase of American volume of business, particularly at a time when the Nation so badly needs to get moving ahead once again.

However, the steps taken as enumerated, even though warranted, are being scanned with great misgiving and suspicion, and rightly so, because of the nature of the proposal before us in the general background of legislation on the same subject being processed by Congress.

In H.R. 10788 and S. 3006 we have a strong, outright, protectionist measure being advocated by the Democratic administration, and being approved and urged for passage by practically all of its departments and agencies having anything to do with this area of activity. It is not only a protectionist measure, but it is stronger than a McKinley bill, in fact, because the latter depended only on tariff, while the pending measure depends on subsidy, international cartel, strict import regulation, even prohibition in certain cases.

PENDING BILL AT COMPLETE VARIANCE WITH TRADE EXPANSION BILL, H.R. 9900

The measure before the Senate is, and should be, suspect because it is at complete variance with declared objectives of major national basic legislation and policy proposed and advocated by the administration. Consider the terrific effort being expended in every way and by virtually every personage prominent in the administration for favorable consideration of H.R. 9900.

Its statement of purposes is lofty and inspiring. In fact, it is almost irresistible. Who could possibly summon enough nerve to oppose it? It reads:

SEC. 102. Statement of purposes: It is the purpose of this act, by lowering trade barriers through trade agreements affording mutual benefits, to stimulate the economic growth of the United States, maintain an enlarged foreign market for the products of the U.S. industry and agriculture, and make available to the people of the United States a greater variety of goods at lower prices; to strengthen economic and political relations with the European Economic Community in foreign countries through the development of an open and nondiscriminatory trading system in the free world; to assist in the sound economic progress of countries in the earlier stages of economic development; and to counter economic penetration by international communism.

This is indeed a noble statement of principle. But in view of the pending measure with its strong, across-the-board support from the administration's departments and many agencies, one can rightly question whether H.R. 9900 was offered and is advocated in complete good faith.

Virtually a complete negation and denial of H.R. 9900 is found in provisions and implications of H.R. 10788.

First. H.R. 9900 envisions "a greater variety of goods at lower prices" for the U.S. consumer. But the pending bill will cut down volume and variety by international cartel already agreed upon, and by the import prohibitions placed upon nonagreement countries which will ensue if this bill is enacted into law.

Second. H.R. 9900 calls for "an open and nondiscriminatory trading system in the free world." But the bill before us provides for a closed, restricted, and highly discriminatory arrangement among nations.

Third. H.R. 9900 glories in its lowered trade barriers as an assist in the sound economic progress of countries in the earlier stages of economic development. But in the pending measure there is a startling and notable absence of any so-

called underdeveloped nations in the list of those participating in the agreement. In fact, the very nature and substance of that agreement actually excludes and obstructs the sound economic progress of underdeveloped—those in the earlier stages of economic development.

PENDING BILL DENIES DECLARED OBJECTIVES OF PRESIDENT'S TRADE AGREEMENT PROGRAM

The President's request for passage of the pending bill is a denial of his numerous lofty declarations of what a more liberal trade policy will mean to progress of America, moreover. Consider these three elements which are inherent in the pending bill:

First. The Government subsidy of cotton exports.

Second. Entry of the United States into an international cartel which places quotas on imports from 18 nations on their cotton textile products.

Third. Seeking of power in pending measure to absolutely regulate, to the point of prohibiting, imports of cotton textiles from nonagreement countries.

Each and every one of these points is alien and opposed to the President's frequent and emphatic calls for a more liberal trade policy. Even a casual reference to the text of his January 25 message relative to the reciprocal trade agreements program, delivered to Congress earlier this year, proves this to be a fact. Here are some of them clearly illustrating the point:

1. Indeed, freer movement of trade between America and the Common Market would bolster the economy of the entire free world, stimulating each nation to do most what it does best.

2. To try to shield the American industry from the discipline of foreign competition would isolate our domestic price level from world prices, encourage domestic inflation, reduce our exports still further, and invite less desirable governmental solutions.

3. If we can take this step, Marxist predictions of capitalist empires warring over markets and stifling competition, would be shattered for all time.

4. We will prove to the world that we believe in peacefully tearing down walls instead of arbitrarily building them. We will be opening new vistas of choice and opportunity to the producers and consumers of the free world.

5. We must make certain that any arrangements which we make with the European Economic Community are worked out in such a fashion as to insure nondiscriminatory application to all third countries. Even more important, however, the United States and Europe together have a joint responsibility to all of the less developed countries of the world, and in this sense we must work together to insure that their legitimate aspirations and requirements are fulfilled. The open partnership which this bill proposes will enable all free nations to share together the rewards of a wider economic choice for all.

6. The American consumer benefits most of all from an increase in foreign trade. Imports give him a wider choice of product at competitive prices. * * * Increased imports stimulate our own efforts to increase efficiency, and supplement antitrust and other efforts to assure competition.

All of the foregoing are excerpts from the President's message to Congress on January 25 relating to the reciprocal trade agreements program. Each and every one of them is violated in spirit by the advocacy of the pending measure which is based upon Government subsidy of exports, international cartel, and a request for authority to impose absolute import prohibitions on nonagreement countries to that cartel.

Especially cynical, however, is that quotation regarding the American consumer. Our Chief Executive has always catered excessively to the American consumer—there are so many of them. In his special message relating to consumer interest, he especially went overboard, promising them virtually everything, at no price increase or cost to them whatsoever, but signally failing to give that which the consumer desires and needs the most; namely, surcease from further Government intervention, and a reduction of Government expense instead of an increase thereof.

The Senator from Nebraska respectfully submits that the consumer under the pending bill will pay twice and dearly; the first time by furnishing the taxes to pay the subsidies which lead to high prices for consumer items; and, secondly, the higher prices he must pay for those items when he wishes to use them.

To speak so beguilingly of competitive prices and of supplementing antitrust and other efforts to assure competition is especially out of order, because an international cartel has for its very essence the formation of a trust, the creation of a monopolistic entity, rather than having any semblance or likeness to supplemental antitrust character.

To summarize, there is absolute contradiction between the pending bill and the President's reciprocal trade agreements program as set out in H.R. 9900. They are mutually exclusive. To borrow a figure of speech used by one of our colleagues in the other body during debate on this proposition, the Democratic administration is urging us to be voting protectionist and flying the flag of free trade both at one and the same time.

STATUTORY BASIS OF GENEVA AGREEMENT

In July 1961 a short-term cotton textile arrangement was agreed upon by 19 countries, including the United States, in Geneva, Switzerland. It was designated "cotton textile arrangement," as was its successor, the long-term document agreed upon in February 1962 in Geneva. A more accurate and plain title would be "Cotton Textile Cartel."

Mr. President, a cartel is defined in the dictionary as follows:

An international combination of independent enterprises in the same branch of production, aiming at a monopolistic control of the market by means of weakening or eliminating competition.

In short, an international cartel is what we are concerned and dealing with.

President Kennedy undertook to make the United States a signatory to that cartel pursuant to statutory authority contained in section 204 of the Agricultural Act of 1956, which reads as follows:

The President is authorized to negotiate agreements with foreign governments in an effort to limit the export to the United States of agricultural commodities or products, including textiles or textile products.

It would appear that the President acted within the authority conferred on him by that statute, in entering into the Geneva agreement. However, that does not make it a wise decision, nor does it endow that provision with virtue or acceptability.

While there may be a great many reasons for lack of virtue or acceptability, I cite only two: First, exercise of power thereunder makes a shamble of the Trade Agreements Act as it now exists. It completely bypasses Tariff Commission procedures, the peril point clause of the Trade Agreements Act, the escape clause, and the defense clause thereof.

Secondly, section 204 contains no guideline, standards, or prescribed procedures by which the President should act, or by which industries might apply for and be accorded relief by the President into that section. Thus, he can exercise the power thus granted in arbitrary and dictatorial fashion, conferring survival and life to one industry or one sector of American economy, and without being accountable for reasons denying life and survival, or continued prosperity, as the case may be, to another industry or private sector of our economy.

Such potential power is much too great to be existent and exercisable at the hands of one man in such fashion. It is well that the Congress should review such provision and all similar grants of absolute and unaccountable power which might be envisioned in H.R. 9900 now in process of being formulated.

REQUESTED EXTENSION OF SECTION 204

Notwithstanding the foregoing considerations, the pending bill requests an extension of the Presidential powers which the section already contained. The extension would empower the President to impose export regulations, including outright bans, as against nonagreement countries; that is, countries which are not members of the international cartel pertaining to cotton textiles.

The justification for this is declared to be that the "President must have this authority if he is to protect the integrity of the Geneva agreement."

Madam President, there is also the integrity of other sectors of American agriculture to protect. It is well that a beleaguered textile industry will reap the benefits of this legislation and the international cartel formulated in Geneva. But the Senator from South Dakota [Mr. MUNDT] and some of his colleagues, including the Senator from Nebraska, feel that some protection should also be afforded, while this opportunity presents itself, to other parts of the American farm picture; to wit, raisers and processors of beef and beef products, pork and pork products, fresh and frozen lamb, poultry and poultry products, dairy products, and timber and timber products.

WHAT MUNDT AMENDMENT WOULD DO

The Mundt amendment would not negate or cancel in any way the cotton textile agreement. Having gone as far as it now exists, the amendment would be permitted to go to a point of enforcement, including the text of the pending bill which is now before us; conditioned,

however, upon the President's negotiating agreements with foreign nations limiting in like manner the export to the United States from such foreign countries of beef and beef products, pork and pork products, fresh and frozen lamb, poultry and poultry products, dairy products, timber and timber products.

For many years imports of livestock and meat products have been a very disturbing and an injurious factor in the livestock market. For the time being, I confine my remarks to cattle and lamb, because it is in that field that efforts were made under the present Trade Agreements Act to seek relief. In two instances in the last 2 years such relief was unsuccessfully petitioned.

The imports involved may have been considered relatively insignificant in proportion to the huge consumption of beef within the United States. However, it was submitted that even that quantity of such livestock and its products had a depressing effect on the domestic market, not only upon fed cattle but likewise on beef products.

The livestock market is one which functions strictly according to supply and demand. It therefore follows unquestionably that increased supplies arising from importations cause a domestic market to decline, thereby injuring U.S. producers. Domestic production fluctuates from time to time, but this is a normal situation that livestock feeders expect and can anticipate with some degree of accuracy. The rate of importation of products concerned, however, is difficult to anticipate or to appraise with any degree of accuracy.

In the case of beef and beef products, imports tend to be of a lower quality than generally is obtained from fed cattle such as those generally sold in this country. Such imports are used largely for prepared meats, hamburger, and ground beef. However, since these items are offered to consumers in nearly all retail markets along with higher quality fresh beef from domestic production, they are directly competitive with the higher quality fresh cuts and tend to depress the market for the quality items produced domestically.

For decades, records of cattle and beef industry in the United States have shown definite fluctuations in domestic production and domestic prices. These trends have become known as the cattle cycle. An examination of those records will show that imports of beef products and cattle in the past have followed such cattle cycles rather closely. As domestic production declined and prices advanced, imports rose. Subsequently, when domestic production increased and prices declined, imports also declined. There can be no question but that the importation in such quantities during periods of high prices has a depressing effect on our domestic market extending over a period beyond the high price part of the cycle, and as a result injury is visited upon the domestic industry.

Beyond such market manifestations, it is submitted that imports of beef, beef cattle, and beef products will continue at higher levels than have prevailed previously. Facilities to handle imports are being established in this country in a manner that appears to be permanent. Conversions, costing huge amounts of money, are being made in transportation equipment. It seems logical that these expenditures would not be made unless those individuals and concerns involved expected to continue their use.

Now as to volume in beef and veal imports: In 1958 total imports of beef and beef products constituted 8.6 percent of total beef and veal production; in 1959 the total imports were again 8.6 percent of such total production; in 1960, they were 5.9 percent; and in 1961 they were 7.9 percent.

Statistics on lambs and mutton are even more distressing. They are as follows: 6.1 percent in 1958, 14.4 percent in 1959, 11.5 percent in 1960, and 12.1 percent in 1961.

The foregoing statistics are those of Economic Research Service, Department of Agriculture.

It is noteworthy indeed that in 1960 imports of cotton textiles amounted to 6 percent of total U.S. consumption.

No doubt in each case there are the dangers of increased importation; there are the stern realities of a depressing effect on the domestic market of such imports; and the same drastic and urgent need for the relief requested. In one instance it is the passage of the bill itself, and in the second instance it is the adoption of the Mundt amendment.

It has been pointed out that the 18 signatories to the cartel counted for about 90 percent of the imports of cotton textiles into the United States. The few countries that were not brought into the cartel counted for some 10 percent of the volume of those textiles entering this country. In the words of one of the Representatives during the debate in the other body:

> That 10 percent could disrupt, that 10 percent could have a most adverse effect upon the 90 percent that we attempted to correct by the arrangement that was entered into at Geneva. It would frustrate the agreement, if something is not done to amend the act to give the President this authority to write regulations affecting those countries who were not participants to the arrangement.

That same logic, that same reasoning, and that same relative situation obtains in the areas provided for by the Mundt amendment.

The amendment should be adopted.

Mr. President, I yield the floor.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 15, 1962, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 185) to defer the proclamation of marketing quotas and acreage allotments for the 1963 crop of wheat.

ADJOURNMENT

The PRESIDING OFFICER (Mr. PASTORE in the chair). Pursuant to the order previously entered, the Senate will stand in adjournment until 12 o'clock noon tomorrow.

Accordingly (at 6 o'clock and 25 minutes p.m.), the Senate adjourned, pursuant to the order previously entered, until tomorrow, Wednesday, May 16, 1962, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 15 (legislative day of May 14), 1962:

U.S. DISTRICT JUDGE

John D. Butzner, Jr., of Virginia, to be U.S. district judge for the eastern district of Virginia vice Albert V. Bryan, elevated.

U.S. ASSAY OFFICE

Paul J. Maguire, of New York, to be assayer of the U.S. Assay Office at New York, N.Y.

RAILROAD RETIREMENT BOARD

Howard William Habermeyer, of Illinois, to be a member of the Railroad Retirement Board for the term of 5 years from August 29, 1962. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate May 15 (legislative day of May 14), 1962:

SECURITIES AND EXCHANGE COMMISSION

Byron D. Woodside, of Virginia, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1967. (Reappointment.)

U.S. ATTORNEY

Robert C. Zampano, of Connecticut, to be U.S. attorney for the district of Connecticut for the term of 4 years.

U.S. MARSHAL

Joseph T. Ploszaj, of Connecticut, to be U.S. marshal for district of Connecticut for the term of 4 years.

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 15, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Hosea 14: 9: *The ways of the Lord are right and the just shall walk in them.*

O Thou eternal God, who hast given to our generation the insight and capacity to discover the many marvelous wonders of Thy universe, grant that mankind may never convert and use their vast power as means to diabolical and brutal ends lest our civilization go down in blood and ashes.

We beseech Thee to temper the minds of all the people of the earth with a finer essence of understanding and appreciation and their hearts with a nobler mood of mutual trust and good will.

May Thy divine spirit lead the nations in the paths of forbearance and brotherly kindness and inspire men everywhere to reorder their thinking and living to match a faith that finds its strength in moral and spiritual ideals and principles.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on May 14, 1962, the President approved and signed a joint resolution of the House of the following title:

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.

COMMITTEE ON THE JUDICIARY

Mr. CELLER. Mr. Speaker, I ask unanimous consent that on Thursday and Friday of this week the Committee on the Judiciary may be privileged to sit during general debate in the House.

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

There was no objection.

NO FAVORITISM TO WASHINGTON STATE ELEVATORS

Mr. PELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. PELLY. Mr. Speaker, Secretary Orville Freeman admits Agriculture Department officials accepted gifts from Billie Sol Estes but says no favors were returned.

How does the Secretary explain the increase in grain storage in the Estes elevators from 6 million bushels in July 1959 to 54 million bushels in April 1962?

In my State of Washington it is obvious during this interval there was no favoritism. In July 1959, I am informed, our Washington State elevators had in storage 34 million bushels of wheat. This was down by April 1962 to less than 3 million bushels.

A prompt and full investigation of the Department of Agriculture is called for. The Secretary should explain or resign.

LEGISLATIVE PROGRAM FOR MEMORIAL DAY WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous cosent to address the House for 1 minute.

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

There was no objection.

Mr. HALLECK. Mr. Speaker, may I inquire of the majority leader as to what arrangements will be made for Memorial Day.

Mr. ALBERT. Mr. Speaker, on Monday and Tuesday preceding Memorial Day it is hoped that we may be able to put over any rollcalls that might be requested on bills under consideration at that time, due to primaries in three States. On Wednesday, which is Memorial Day, no legislative program is planned. It is expected that the House will not be in session on that day.

Mr. HALLECK. I thank the gentleman.

FARM PROGRAM

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

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

There was no objection.

Mr. FINDLEY. Mr. Speaker, the Committee on Agriculture, of which I am a member, has the responsibility to develop the procedures and the restraints under which our farm programs are operated. The evidence produced in the Billie Sol Estes case makes it mandatory that the Committee on Agriculture investigate the matter and not leave the job to the other body and to the press.

NATIONAL RIVERS AND HARBORS CONGRESS

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

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

There was no objection.

Mr. SIKES. Mr. Speaker, I call to the attention of the membership of the House the fact that the National Rivers and Harbors Congress is meeting in Washington this week. There will be a reception at 6:30 on Thursday night in the East Room at the Mayflower Hotel. There will be business sessions all day on Friday also at the Mayflower Hotel, beginning at 10 o'clock in the morning. These are held also in the East Room. At 12:30 on Friday a luncheon will be held in the main ballroom. A cordial invitation is extended to all Members of the House to attend these various functions. I am sure that each Member of Congress recognizes the important work done by this patriotic, bipartisan organization in furthering and promoting river and waterway improvement throughout the United States.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

THOMAS O. TATE, JR.

The Clerk called the bill (S. 160) for the relief of Thomas O. Tate, Jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Thomas O. Tate, Junior, chief warrant officer, United States Navy, retired, of Rogue River, Oregon, is hereby relieved of all liability to repay to the United States the sum of $1,062.92, representing salary paid him during the period from January 4, 1960, through April 1, 1960, while he was an employee of the Veterans Administration, in violation of the Act of July 31, 1894 (28 Stat. 162), as amended, the said Thomas O. Tate, Junior, having been erroneously advised by the Veterans' Administration prior to his employment that such Act was not applicable to him.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Thomas O. Tate, Junior, the sum of any amounts received or withheld from him on account of the salary payments referred to in the first section of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MERLE K. LOESSIN

The Clerk called the bill (S. 1684) for the relief of Merle K. Loessin.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Merle K. Loessin of Summit, South Dakota, is hereby relieved of all liability for charges entered against him as a result of the theft of $1,000 of public fund in his charge, such theft having been committed by a person or persons unknown on May 19, 1953, while the said Merle K. Loessin, then a first lieutenant in the United States Marine Corps, was serving as deputy disbursing officer with the First Marine Division in the Republic of Korea.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Merle K. Loessin an amount equal to the total of any amounts which have been paid to the United States on account of such theft.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDWARD J. McMANUS

The Clerk called the bill (H.R. 11122) for the relief of Edward J. McManus.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Edward J. McManus, an employee of the Federal Mediation and Conciliation Service, the sum of $229.64 in full settlement of all his claims against the United States for reimbursement of certain expenses incurred by him as a result of the performance of official emergency duties in Los Angeles and San Diego, California, in July, 1961: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 1, strike out "in excess of 10 per centum thereof"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SEBASTIAN HERMOSILLA SANCHES

The Clerk called the bill (H.R. 3492) for the relief of Sebastian Hermosilla Sanches.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Sebastian Hermosilla Sanches shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Sebastian Sanchez Hermosilla, shall be held and considered to be the natural-born alien minor child of Mr. and Mrs. Frank Hermosilla, citizens of the United States: *Provided,* That the natural mother of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

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

The title was amended so as to read: "A bill for the relief of Sebastian Sanchez Hermosilla".

A motion to reconsider was laid on the table.

MISS ELEANORE REDI

The Clerk called the bill (H.R. 8862) for the relief of Miss Eleanore Redi.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Miss Eleanore Redi, the fiancée of Robert J. Roberts, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided,* That the administrative authorities find that the said Miss Eleanore Redi is coming to the United States with a bona fide intention of being married to the said Robert J. Roberts and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Miss Eleanore Redi, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Miss Eleanore Redi, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Miss Eleanore Redi as of the date of the payment by her of the required visa fee.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. CHARLES C. YU

The Clerk called the bill (H.R. 9468) for the relief of Dr. Charles C. Yu.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Charles C. Yu shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. MARGUERITE DE SOEPKEZ

The Clerk called the bill (H.R. 3483) for the relief of Mrs. Marguerite de Soepkez.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Marguerite de Soepkez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Mrs. Marguerite de Soepkez. From and after the date of the enactment of this Act, the said Mrs. Marguerite de Soepkez shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GERDA GODIN

The Clerk called the bill (H.R. 7369) for the relief of Gerda Godin.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 352(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1484) shall not be applicable in the case of Gerda Godin, a naturalized citizen of the United States: *Provided,* That the said Gerda Godin establishes residence in the United States prior to the expiration of thirty-six months following the date of the enactment of this Act.

With the following committee amendment:

On page 1, strike out lines 3 and 4 and insert in lieu thereof the following: "That, for the purposes of title III of the Immigration and Nationality Act, section 352(a)(2) of the said Act shall be deemed not to have been and to be inapplicable in the".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DILYS EVANS

The Clerk called the bill (H.R. 9054) for the relief of Dilys Evans.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Dilys Evans shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES B. TROUP

The Clerk called the bill (H.R. 10502) for the relief of James B. Troup.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, James B. Troup shall be held and considered to have complied with the residence and physical presence requirements of section 316 of that Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ORSOLINA CIANFLONE IALLONARDO

The Clerk called the bill (S. 1915) for the relief of Orsolina Cianflone Iallonardo.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file certain privileged resolutions.

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

There was no objection.

NONJUDICIAL PUNISHMENT

Mr. THORNBERRY. Mr. Speaker, by direction of the Committee on Rules, I call up for immediate consideration House Resolution 633.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11257) to amend section 815 (article 15) of title 10, United States Code, relating to nonjudicial punishment, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. THORNBERRY. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN] and, pending that, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 633 provides for the consideration of H.R. 11257, a bill to amend section 815—article 15—of title 10 United States Code, relating to nonjudicial punishment and for other purposes. The resolution provides for an open rule with 1 hour of general debate.

The purpose of H.R. 11257 is to give increased authority to designated commanders in the Armed Forces to impose nonjudicial punishment, thereby enabling them to deal with minor disciplinary problems and offenses without resort to trial by court-martial.

The Uniform Code of Military Justice, applicable to all of the Armed Forces, provides a comprehensive body of disciplinary and criminal law in the Armed Forces and establishes a court-martial system to try cases arising in the military services. In addition, article 15 of the Code—10 U.S.C. 815—provides a means whereby military commanders can deal with minor infractions of discipline without resort to criminal law processes. This punishment is referred to as "nonjudicial" punishment. It is important to note that since this punishment is nonjudicial, it is not considered in any manner as a conviction of a crime and in this sense it has no connection with the military court-martial system.

The punishment that may be imposed under the authority of article 15 is severely limited and serious deficiencies have come to light which warrant revision of the article. The amendments to article 15 proposed by H.R. 11257, authorizing a military commander to impose nonjudicial punishments comparable to those which may now be imposed by a summary court-martial, would provide additional authority to military commanders to authorize the deterrent punishment necessary to maintain military discipline, without resort to court-martial.

Mr. Speaker, I urge the adoption of House Resolution 633.

Mr. BROWN. Mr. Speaker, the gentleman from Texas, my colleague on the Rules Committee [Mr. THORNBERRY], has very ably and very well explained this resolution which would make in order the consideration of H.R. 11257, and the purposes, of course, of that bill.

Mr. Speaker, there was no opposition to the measure in the Armed Services Committee. In fact, it was unanimously reported. If my memory serves me correctly, the resolution or rule was adopted unanimously by the Rules Committee. I, therefore, shall not speak on the rule, but at this time I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I ask unanimous consent to speak out of order and to revise and extend my remarks.

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

There was no objection.

Mr. GROSS. Mr. Speaker, much is being said about the defeat in the House of Representatives of the so-called Philippine war damage claims bill. I received yesterday a cablegram from Manila which reads as follows:

Congressman GROSS,
U.S. House of Representatives,
Washington, D.C.:

Filipino people unhappy over defeat war damage bill but at same time realize validity of your stand that payments should not be made to rich corporations long rehabilitated. Pray your support new bill giving $73 million to Philippine Government to finance President Macapagals socioeconomic program hoping America see justice of our claim.

Congressman SIMEON VALDEZ.
Congressman ANTONIO RAQUIZA.

Mr. Speaker, I am also in receipt of a letter from an attorney, Mr. J. A. Wolfson, who has lived in Manila since 1901 and still practices law in Manila, in the Philippine Islands. I should like to read his letter for the benefit of those who are interested in this subject of the Philippine war damage claims.

MANILA, PHILIPPINES,
May 10, 1962.

Hon. H. R. GROSS,
Member of Congress,
House Office Building, Washington, D.C.

MY DEAR MR. GROSS: Congratulations upon your voting against approval of additional payments of war damage to claimants in the Philippines. Your name was published in today's newspaper cables from Washington.

Personally I would have been financially benefited by the passage of the bill (against which you voted) but I have always opposed its passage. Why? Because I put principle above personal financial benefit.

Attached is copy of my letter of January 12, 1961, to Secretary Dillon. Receipt thereof was acknowledged. My letter was then conveniently buried.

Should this bill or a similar bill again come before the Congress, I hope you will again vote against it.

In addition to what I wrote Secretary Dillon, I would point out that very few worthy and needy people would be benefited by additional payments of war damage. There are probably a few old people (bona fide claimants) who would benefit, but the large claimants, mostly corporations, have had over 10 years since receipt of their payments from the War Damage Commission to put their houses in order. Most of them have done so and any further payments would be windfalls. Those that have not been able to put their houses in order in over 10 years will not be able to do so by any additional payments and therefore do not deserve any additional payments. These being the facts, just where would the balance of $73 million go? Down the drain. Corruption, graft, and outright crookedness would be invited and you know as well as I do there are thousands upon thousands willing and ready to share in the spoils. Why should the U.S. Government give $73 million to the wolves?

I am not ashamed of my stand. All my clients and friends know where I stand and always stood on this matter of further payments. I hope you will maintain your vote against any similar bill should another be presented in the future. I will gladly testify before any committee of Congress against such a bill.

A letter similar to this one is being written the two other Representatives (whose names were published along with yours) just to let you know I heartily agree with your vote.

Sincerely,

J. A. WOLFSON.

Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point the letter Mr. Wolfson wrote to Secretary of the Treasury Dillon on this subject and I urge those of my colleagues who are interested to read it.

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

There was no objection.

The letter follows:

JANUARY 12, 1961.

Re Philippines war damage—proposed additional appropriation.

Hon. DOUGLAS DILLON,
Secretary of the Treasury,
Washington, D.C.

MY DEAR SECRETARY DILLON:

1. You will be in office when this letter reaches you and, as a fellow Republican, I congratulate you and wish you all success.

2. Attached is an article appearing in yesterday's newspaper. It is only one of many similar articles which are published here from time to time.

3. I am bitterly opposed to any further appropriation by the Congress to pay unpaid balances of war damage claims. By

such appropriation I, personally, as an unpaid claimant, would financially benefit but notwithstanding such benefit, I repeat, on principle I bitterly oppose.

4. To substantiate the fact I would financially benefit (see par. 3) among the claims I filed with War Damage Commission and results, the following is a summary:

	Claim	Allowed	Paid
Personal	₱709, 228. 54	₱200, 391. 00	₱105, 680. 33
Sister	146, 644. 00	29, 975. 52	16, 212. 14
A corporation, wholly owned by me	313, 500. 00	40, 962. 00	21, 980. 05
Total	1, 169, 372. 54		143, 872. 52

NOTE.—Payments amounted to approximately 12.3 percent of claims.

Besides the above I participated, either (a) as a shareholder or director or officer in various corporations, (b) as attorney or consulting attorney to sundry clients in claims aggregating upward of 80 million pesos. This conclusively proves I put principle above personal financial benefit.

5. I am an American (native born) practicing attorney at law who has resided in the Philippines since 1901 and still reside in the Philippines. My military service may be summarized:

Immediately upon liberation I was appointed legal adviser to commanding general M.P.C. and shortly thereafter legal adviser to the commanding generals and commanding admirals of Armed Forces of the United States in the Philippines until relieved on May 1, 1950 (at $1 a year). Awarded (a) Medal of Freedom; (b) commendation for meritorious civilian service.

During this period (1945–50) also detailed as assistant legal adviser to the U.S. High Commissioner to the Philippines and was his immediate assistant in preparing for the turnover to the new independent Government of the Philippines and later to the U.S. Ambassador to the Philippines and accompanied the latter to the United States to assist in drafting the military bases agreement.

6. To my way of thinking there are only two kinds of obligations: (a) legal obligations; (b) moral obligations; and I maintain the United States is not legally or morally obligated to appropriate 1 cent to pay war damage claims. (a) There is no legal obligation as Public Law 370, 79th Congress, expressly authorized a sum certain. Public Law 371, 79th Congress—a sister act—provided certain conditions to be complied with by the Government of the Philippines before said act and Public Law 370 would become effective. The Government of the Philippines enacted the necessary legislation and even amended its Constitution. Such compliance by the Government of the Philippines and later accepting the benefits of those two laws completely and absolutely wiped out all legal obligation. (b) There is no moral obligation either. The only claim that a moral obligation exists is the farfetched and totally unjustified theory that President Franklin Roosevelt promised to pay every single person in the Philippines every cent of damage suffered by reason of the war and certain individual Senators and Representatives, during committee hearings on the bills or on the floor of the Congress gave assurances that more money would be appropriated should the authorized amount prove inadequate. Granted, for sake of argument only, such promise and assurances were made, still they, separately or together, created no moral obligation.

7. The personnel originally brought here by War Damage Commission contained a large number of homosexuals and Communists. Many of these were eventually weeded out but only after they had done much harm. After War Damage Commission ceased to pursue its policy of paying only claims not exceeding $500 and began consideration of large claims, specifically claims of mining companies, said Commission adopted rules of valuation relative to underground workings which the Commission later admitted were erroneous and unfair but still followed said rules on the alleged ground that as some claims had already been adjudicated on the erroneous basis all claims must be uniformly adjudicated on the indentical erroneous basis. The same may be said, with modifications, as to large agricultural claims.

8. For the Congress to now appropriate further funds to be distributed pro rata on the basis of the erroneous adjudications of the War Damage Commission would be perpetuating the errors.

9. Momentarily brushing aside everything above written here are further objections why no further appropriation should be made to pay war claimants: (a) Many individual claimants are dead; many of their estates are closed and heirs scattered; many are no longer in the Phillipines and their addresses are unknown; and (b) many corporations, partnerships and associations have dissolved, were liquidated and wound up; many corporate existencies have expired by operation of law.

Where will the pro rata shares or distribution of these people go? If not paid to these claimants or their lawful successors—many of whom do not exist or are unknown—where does the money go? Even the expense of distributing the funds pursuant to the erroneous adjudications of the old War Damage Commission will consume a large proportion of the funds, as administration expenses will be enormous. To even contemplate handing over the funds—if appropriated—to the Government of the Republic of the Philippines to distribute is to invite further graft and corruption. Many, if not most, employees of the Philippines Government are notorious grafters. Supervision over them is almost nonexistent.

10. In my files I have a vast amount of unassorted data—including vast correspondence with numerous people, printed and typed reports of various committees of Congress and committee hearings, newspaper and magazine articles, etc. concerning War Damage Corporation (sec. 5d of Reconstruction Finance Corporation Act, as amended); War Damage Commission (Public Law No. 370, 79th Cong.); trade law (Public Law No. 371, 79th Cong.); and War Claims Act (Public Law No. 896, 80th Cong.) with particular reference to section 8 of said act.

I suggest that section 8 of War Claims Act, having been enacted after the War Damage Commission Act clearly expressed the intention of the Congress that further appropriation—if any—should be provided pursuant to said section 8 and such intention, clearly expressed, bars further appropriation for War Damage Commission law (enacted by the Congress by a prior act).

11. I am not only on friendly terms with many of the men who for years have pushed or pressed for further appropriation by the Congress but on intimate terms with a number of them. They and each of them know and, for years, have known my stand against them. I've told them and written some of them I entirely disagree with them and would do everything within my power to prevent the Congress from appropriating one cent more to pay any war damage claimants. Some of these friends refuse to put principle above their own pocketbooks.

12. You are privileged to use this letter in any manner you see fit. Should further data be required of me, just let me know.

Respectfully and cordially,

J. A. WOLFSON.

Mr. BROWN. Mr. Speaker, I have no further requests for time.

Mr. THORNBERRY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. Mr. Speaker, I have taken this time to express appreciation to the editors and news staff of the Washington Post for today's news article setting the record at least partly straight with regard to an erroneous report in the Post for Sunday, May 13.

Although earlier editions of the same newspaper had fairly and correctly carried my statements with regard to an alleged campaign contribution from Billie Sol Estes, of Texas, the May 13 article had erroneously and unfairly stated as a fact a complete and absolute falsehood. The same story had strongly inferred that an alleged gift of money to me had been one of the so-called roots of growth for Estes in Washington.

The Washington Post has now corrected this story, and expressed regret for the erroneous report, in today's issue.

In order to set the record completely straight, I have taken this time to advise the House of several facts in this connection:

First, and notwithstanding the Post story of May 13, the fact is that I have never accepted any money from Billie Sol Estes or from any of his associates, at any time or for any purpose. In the one instance in which Estes offered a campaign contribution to me, at the apparent suggestion of the husband of a former secretary in my office, his $100 check was promptly returned. This was in accordance with a long-standing policy of returning checks made payable to me personally as campaign contributions, and no other check or other contribution from Estes was ever received by me or by my campaign committee. Nor have I at any time received or accepted anything else of value from Estes or his associates.

Second, I have never made a telephone call, written a letter, or spoken to anyone in Congress or Government in behalf of Estes, or in behalf of any cause in which he was interested. I have had no request of any kind for action in his behalf, during the 9½ years of my congressional service.

Third, I have no knowledg of any official action ever taken by my office in his behalf, at any time during 9½ years of service. Nor does our office have any record of any request from him or any of his associates.

Fourth, these facts have been made know by letter to the attorney general of Texas, the Attorney General of United States, the Secretary of Agriculture, and U.S. Senator JOHN MCCLELLAN, who have been advised of my readiness to testify to these facts under oath.

Fifth, I have also assured all of these investigating officials, including the Texas attorney general, of my full cooperation in any search for the complete truth about the Estes matter. A thorough investigation with this objective, whether undertaken by a committee of the House or of the other body, will most

assuredly be in the public interest, and will have my firm support.

Mr. Speaker, some of my friends in this body, whose judgment and opinion I value highly, have told me that these remarks are not necessary. While I am deeply grateful for this expression of trust, a decent respect for the opinions of the entire membership of this great legislative body, on both sides of the aisle, has made mandatory for me this statement.

In the final analysis, the full confidence and trust of one's colleagues here are just as indispensable—both to effective service and wholehearted performance of duty—as are the confidence and trust of constituents at home.

For any member who comes to love this body and its honor and traditions, there is no treasure on earth more precious than the esteem and respect of the men and women who serve in this House.

No prayer is more constant than the prayer that nothing will undermine or destroy that esteem and respect. Certainly no prayer is more just than the prayer that no libel, slander or falsehood will do injury to the confidence and trust of friends and colleagues.

In that spirit, Mr. Speaker, I want to thank once again those responsible for correction of the Washington Post article of May 13.

In the same breath, and in the same spirit, I want to make one further fact crystal clear. Any further publication of this libel, or of similar libelous material, by any source in the future, will be met by appropriate legal action in the proper trial court.

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

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

Mr. ASHBROOK. I would like to say to the gentleman from Oklahoma, I think he is rather charitable in his remarks about the Washington Post. When you read the article, you will find that they went all through it and down at the very bottom almost reluctantly they said, "The Washington Post regrets its erroneous report." I am extending my remarks in the Appendix of the RECORD today in which I suggest a more honest and forthright manner in which the Post might have handled this so-called retraction.

In the heading of the article they say, "Estes Gift Denied by Two in House." How much better it would have been, and I think the gentleman from Oklahoma will agree, if more in a spirit of honesty they would have printed something like this—"Post Story Falsely Hits Two in House." Then, too, the lead paragraph should honestly state that the "Washington Post erroneously reported" and to go on from there rather than leaving it to the very last paragraph. I think the gentleman from Oklahoma is being very charitable to the Washington Post.

Mr. EDMONDSON. I thank the gentleman for his remarks.

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

Mr. EDMONDSON. I am glad to yield to the gentleman from Florida.

Mr. HALEY. I, too, think the gentleman from Oklahoma is very charitable in his treatment of the Washington Post. I agree with what the gentleman from Ohio just said. I think the gentleman from Oklahoma needs no expression from the membership of this House to know of the high regard that this body has for him and for the integrity of the gentleman from Oklahoma. I, too, say that you have been more than charitable. I do not think the Washington Post went far enough in the retraction of what they call an error, but which I call just poor reporting on somebody's part.

Mr. EDMONDSON. I thank my colleague from Florida.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. BROWN. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota [Mr. REIFEL].

Mr. REIFEL. Mr. Speaker, continuing sordid developments in the Billie Sol Estes case and the almost unbelievable tale that is being spun by these revelations make it increasingly clear that the House Committee on Agriculture or a duly constituted subcommittee thereof ought to inquire closely into the matter.

It is the laws originated and passed first by the House Committee on Agriculture which have been abused and violated in allowing Mr. Estes to amass a personal fortune at the expense of the American taxpayer and his friends and associates. It is the House Committee on Agriculture which ought to look into this matter with a view to preventing recurrence of these abuses in the handling of cotton allotments or other commodity programs.

I am confident that the evidence of wrongdoing extends to a mere handful of Government officials, but while this cloud of distrust hangs over the entire Agriculture Department the good name of dedicated, loyal, and honest civil servants is being blackened. Undoubtedly those same attributes could be assigned to the vast majority of political employees within the Department, but the Billie Sol Estes case casts upon them the same shadows of misunderstanding and suspicion.

It is to clear the good name of these countless officials and employees of the Agricultural Stabilization and Conservation Service and other agencies that complete public investigation and hearings should be carried out with dispatch.

The best interests of the public would be served to have such an investigation and hearings made by the committee most affected by this evidence of wrongdoing.

Once the culprits are ferreted out and removed, no matter where the ax falls within whatever party or administration, I am confident that the public will reaffirm its confidence in the overwhelming number of dedicated civil service employees and the programs and policies which they administer.

Almost a quarter century of my lifetime was devoted to Government service within the executive branch, some of that being spent as an employee of the Department of Agriculture. I am privileged to count among my dearest friends a large number of conscientious, hard-working, honest employees of that Department. It grieves me to see their names and reputations held up to public scorn as a result of the reflected actions of one man and a handful of officials whose word and honor can be bought with the dollar.

In South Dakota last fall we experienced an unfortunate incident involving the same Department of Agriculture agency first involved in this case, the Agricultural Stabilization and Conservation Service. An exhibit sponsored by the State agricultural stabilization and conservation committee was erected at the South Dakota State Fair. It depicted a derailed train meant to represent the current administration's farm program and was captioned "Free Enterprise Wrecked This Train."

The citizenry of my State understandably was concerned at an agency of the Federal Government criticizing the basic American institution and principle of free enterprise. An investigation was held, an ASC official was reprimanded and the matter was dropped.

But a good many innocent employees of the Agricultural Stabilization and Conservation Service were inconvenienced and embarrassed by the resultant publicity, and it gave a good many critics of farm programs additional ammunition.

It was only after public outcry that this administrative investigation was made by the Department. And it was only after congressional prodding that the results of the investigation were revealed in full.

I submit that a parallel may be drawn between these two cases. The public interest will not be served by the Agriculture Department investigating itself or by the President's brother investigating a major contributor to his party and supporter of his administration.

My good friend the gentleman from Kansas [Mr. DOLE] is to be commended for the leadership he has shown in trying to clear the name of our Department of Agriculture while spurring the investigations that have been made to date. I hope the distinguished chairman of the House Committee on Agriculture, the gentleman from North Carolina [Mr. COOLEY], will reconsider his earlier decision and permit his committee to enter into this investigation.

Mr. THORNBERRY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ORSOLINA CIANFLONE IALLONARDO

Mr MULTER. Mr. Speaker, I ask unanimous consent to return to Private Calendar No. 560 and take up for consideration the bill S. 1915, for the relief of Orsolina Cianflone Iallonardo.

The Clerk read the title of the bill.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Orsolina Cianflone Iallonardo is deemed to be within the purview of section 4 of the Act of September 22, 1959 (Public Law 86-363): *Provided*, That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act, and the provisions of section 24(a)(7) of the Act of September 26, 1961 (Stat. 657), shall not be applicable in this case.

With the following committee amendment:

Add the following two new sections:

"SEC. 2. For the purpose of the Act of September 22, 1959 (Public Law 86-363), Mrs. Chow Chui Ha shall be deemed to be within the purview of section 4 of that Act, and the provisions of section 24(a)(7) of the Act of September 26, 1961 (75 Stat. 657), shall be inapplicable in this case.

"SEC. 3. For the purposes of the Act of April 13, 1962 (Private Law 87-346), Giuseppe Aniello shall be held and considered to be within the purview of section 4 of the Act of September 22, 1959 (Public Law 86-363), and the provisions of section 24(a)(7) of the Act of September 26, 1961 (75 Stat. 657), shall be inapplicable in this case."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the bill was amended to read: "A bill for the relief of Orsolina Cianflone Iallonardo, Mrs. Chow Chui Ha, and Giuseppe Aniello."

NONJUDICIAL PUNISHMENT

Mr. RIVERS of South Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11257) to amend section 815—article 15—of title 10, United States Code, relating to nonjudicial punishment, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11257, with Mr. ROGERS of Colorado in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from South Carolina [Mr. RIVERS] is recognized for 30 minutes and the gentleman from New Jersey [Mr. OSMERS] for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS of South Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a bill to amend section 815—article 15—of title 10, United States Code, relating to nonjurisdictional punishment.

I might say at the outset that I hope this is the beginning of the end of a long, hard road to bring about much needed changes in this article of the Uniform Code of Military Justice.

For several years, the uniformed services, the Court of Military Appeals, the American Legion, the Association of the Bar of the City of New York, the New York County Lawyers Association, the American Veterans Committee, the Judges Advocates Association, the American Bar Association, have all endorsed the principle of increasing the authority of commanders to impose punishment under Article 15 of the Uniform Code of Military Justice.

Thus, the bill before you today increases the authority of the commanding officer to award nonjudicial punishment.

At the same time, it is the opinion of the committee and all who appeared before the committee that this proposal will be of great benefit to members of the uniformed services who may run afoul of the rules and regulations under which uniformed personnel must live.

The committee believes that the adoption of the proposed legislation may well reduce, and perhaps one day bring about the elimination of, summary courts martial. It may even reduce special courts martial.

I would now like to briefly explain existing law and how we propose to change it with regard to the punishment that may be imposed by a commanding officer.

At the outset, I hope you will bear in mind that we are talking about nonjudicial punishment.

In other words, we are not talking about a court-martial.

We are talking about nonjudicial punishment that may be imposed by a commanding officer. An individual who is punished under article 15 is not presumed to have been convicted in any way, shape or manner, in a legal sense. In other words, the record of punishment under article 15 may not be used as evidence of a prior conviction if an individual is later court-martialed.

I think it is important that we keep that in mind.

Now let me briefly state what the law permits today and how we propose to change it.

Officers who receive punishment under article 15, first, may have their privileges withheld for 2 weeks; or, second, they can be restricted to limits with or without suspension of duty for 2 weeks; or, third, they can be required to forfeit one-half of 1 month's pay if the punishment is imposed by an officer exercising general court-martial jurisdiction.

In addition to one of these punishments, an officer may be admonished or reprimanded.

In the proposed legislation, officers, first, may be restricted to limits with or without suspension from duty for 30 days, or up to 60 days, if imposed by an officer exercising general court-martial jurisdiction; or, second, arrest in quarters for 30 days if imposed by an officer exercising general court-martial jurisdiction; or, third, forfeiture of one-half month's pay for 2 months, if imposed by an officer exercising general court-martial jurisdiction; or, fourth, detention of one-half month's pay for 3 months if imposed by an officer exercising general court-martial jurisdiction.

Now this proposal also permits one or more of these punishments to be imposed. In addition, a general or flag officer, in command, can impose these punishments.

In addition, an officer may receive a reprimand or admonition.

Let us turn to the important feature of this proposal, that which deals with the enlisted personnel.

Under existing law, a commanding officer may only do one of five things to enlisted personnel in his command: First, he may restrict the man, with or without suspension from duty, for 2 weeks; or second, he may award him extra duties for 2 weeks, for not to exceed 2 hours per day; or third, he may reduce him to the next inferior grade if the grade from which the man is demoted is established by the command or equivalent or lower command; or fourth, if the man is aboard a vessel, he may award him confinement on bread and water for not to exceed 3 days; or fifth, confinement for 7 days.

Now here is the heart of the problem.

For all practical purposes, a commanding officer today is limited in the amount of punishment he can award, to extra police duties or restriction, or in lieu thereof, he may reduce the man if the reduction is from a grade which was established by the command.

As a result, the commanding officers today, for practical purposes, do one of three things: First, they either award the man a court-martial, which remains on his record and may be used as a prior conviction for any future offenses; or second, they reduce him in grade, which can be a continuing punishment, because of the slowness of promotion; or third, they can accept the man's excuse and award no punishment whatsoever, which obviously can have a serious effect upon discipline in the command.

This is the area which everyone conversant with the subject agrees must be changed.

At this point, I would like to state that many of the changes that are proposed in the bill before us were suggested by the American Legion, are concurred in by the Court of Military Appeals, and other organizations, and have the complete concurrence of the military services.

The authority to award bread and water for 3 days will be continued. But for the first time we have introduced a difference in the amount of punishment that can be awarded by majors or lieutenant commanders and above, and the lesser punishment which can be awarded by officers below the grade of major or lieutenant commander.

Officers below the grades of major or lieutenant commander may award one or more of the following punishments: First, 7 days' correctional custody; second, loss of 7 days' pay; third, reduction to the next inferior pay grade if the grade from which demoted is within the promotion authority of the officer awarding the reduction; fourth, extra

duties for 14 days; fifth, restriction for 14 days; or sixth, detention of 14 days' pay.

If the officer imposing the punishment is in the grade of major or lieutenant commander or above, he may award one or more of the following: First, confine the individual to bread and water for 3 days if aboard a ship; second, place the offender in correctional custody for up to 30 days; third, fine the individual a half-month's pay for 2 months; fourth, award extra duties for 45 days; fifth, award restriction to specified limits, with or without suspension of duty for 60 days; sixth, detain one-half month's pay for 3 months; or seventh, reduce the man to the lowest or any intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the punishment. However, an enlisted man in a pay grade above E–4 may not be reduced more than two pay grades.

Now as I have stated, the officer who imposes this punishment can impose one or more of these punishments. But when he imposes more than one punishment involving loss of liberty or loss or detention of pay, he must apportion the punishments. By that I mean he can not fine an individual the maximum amount and at the same time detain the maximum amount authorized. Likewise, he could not restrict an individual for the maximum period and at the same time place him in correctional custody for the maximum period. Instead, he would have to apportion the punishment on the basis of equivalents.

In other words, 1 day of correctional custody is equivalent to 1½ days of police duties, and 1 day of correctional custody is equal to 2 days' restriction. Or the forfeiture of 1 day's pay is equivalent to 1½ days' detention of pay.

Note that I said "correctional custody."

The only time an individual may be confined, in the true sense of the word, is when he is aboard a vessel.

At all other times the individual will be placed in correctional custody; and this means, in the bill, that "the physical restraint of a person during duty or nonduty hours. If practicable, correctional custody will not be served in immediate association of persons awaiting trial or held in confinement pursuant to trial by court-martial."

For the first time, the law will recognize detention of pay as a punishment.

It is authorized in the manual, but it is seldom used. By placing it in a statute we hope that greater use will be made of detention of pay.

Detention of pay simply means that an individual will not draw the amount detained for a stated period of time, up to a maximum of 1 year, and/or the expiration of his enlistment, whichever is earlier.

There is another important feature of this bill which I believe will be of great benefit to those who may be punished under article 15. This is section 815(d).

Today the law provides with regard to suspension, mitigation, and remission of punishments that the officer who imposes the punishment or his superior may suspend, set aside, or remit any part or amount of the punishment and restore all rights, privileges, and property affected.

In 1957, the Comptroller General ruled that if an enlisted man was demoted under article 15, the reviewing officer or the superior officer could not set aside, or remit, or suspend, the demotion, since the demotion had actually been executed.

The bill before us allows the officer who has imposed the punishment to suspend any part of the sentence probationally, whether executed or not. And in addition, the reviewing authority may suspend probationally, or set aside, or remit, all or any part of the punishment whether executed or not.

In other words, if a man is legally demoted by his commanding officer under existing law, and the next superior officer feels that the punishment is too severe for the offense committed, he cannot, today, restore the man to the grade from which he was demoted.

The only thing that the superior officer can do today is recommend the man for promotion, and this may take a long time to accomplish.

But under this section of the proposal, the officer who awards the punishment may place the man on probation with regard to the reduction in grade, and the reviewing officer, or the senior officer, may restore the man to the grade from which demoted, without loss of pay or loss of time in grade, and without having to wait for a promotion vacancy.

I think this is an extremely significant section and should eliminate a great inequity which exists today.

There is one other provision which I think is quite important, dealing with the right of appeal.

All persons today may appeal the punishment awarded under article 15. But this does not necessarily mean that there will be a legal review of the case.

Under proposed article 815(e) of the bill before us, all persons may still appeal the punishment awarded to them, but if the punishment awarded exceeds the maximum punishment that may be imposed by an officer below the grade, that is, if the punishment is in excess of 7 days' confinement, or 7 days' forfeiture of pay, or detention of pay for more than 14 days, then the case must be referred to a Judge Advocate of the Army, or Air Force, a law specialist of the Navy or Coast Guard, or a lawyer of the Marine Corps.

This summarizes the proposal before us.

This bill has the approval of all of the uniformed services who will be affected by it, as well as various legal associations and the American Legion.

We believe it will go a long way toward correcting the present deficiencies that exist in article 15 of the Uniform Code of Military Justice.

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

Mr. RIVERS of South Carolina. I shall be glad to yield to the distinguished gentleman from Florida.

Mr. SIKES. I feel, Mr. Chairman, an obligation to the House to point to the fact that the gentleman in the well is not a tourist passing through the Capitol, he is not a new Member, he is the one and only, the inimitable, the distinguished gentleman from South Carolina, L. MENDEL RIVERS, with a haircut, the first one in 22 years.

I confess that I am impressed by the air of youthful vigor which this new hairdo imparts, but I am a little saddened by what appears to be the loss of one of the last vestiges of rugged individualism left on the Democratic side. I am glad to see that there still is some adherence to individualism on the Republican side and I urge my Republican colleagues to insist that the distinguished gentleman from Illinois, our friend LES ARENDS, not give up his locks in this new leaning toward conformity.

It has been rumored that there may be something of a Samson and Delilah situation here. I have not heard the whole story, nor do I seek information not rightfully mine, for I would be first to admit I do not qualify as an expert on hair.

Mr. RIVERS of South Carolina. With that I agree.

Mr. SIKES. I want to congratulate the gentleman and his committee for bringing this legislation to the floor at this time. All of us who have dealt with matters pertaining to military justice through the years realize there is a need for a modification of present legislation. There is a need for simplification, for placing responsibility where responsibility more properly rests. I am convinced that under this bill fine young men will escape bearing a mark on their record for the rest of their lives, that matters of discipline will be better handled with less injury to the individual and to the service if this bill is passed.

Mr. RIVERS of South Carolina. I thank the gentleman.

May I say that taking note of my appearance now or at any time, is the first time in 23 years the gentleman ever noticed me, and I appreciate it very much.

They say one is silly to resist a change. I do not. I do not resist change all the time, because a foolish consistency is the hobgoblin of a small mind. I would remind the gentleman that while I have my summer appearance, when the frost is on the pumpkin I will be back at the same old stand.

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

Mr. RIVERS of South Carolina. I yield to the gentleman from California.

Mr. YOUNGER. Just one question. I wonder if the gentleman has noticed any lack of power since he has shorn his locks.

Mr. RIVERS of South Carolina. I will respond to the gentleman by saying that everybody's business is nobody's business.

Let me get back to this bill and quit all of the foolishness. Nobody is against this bill. Everybody is for it.

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

Mr. RIVERS of South Carolina. Gladly.

Mr. GROSS. The gentleman does not think that this bill will place in the hands of military officers—and it does substantially increase the penalties that can be meted out by individuals—he does not think it will place in the hands of officers too much power, does he?

Mr. RIVERS of South Carolina. Oh, no. Every responsible organization favors this, because the only alternative that an officer now has for a mischief-maker or a fellow who is always in trouble is to convene a summary court. This is deterrent legislation. Now, he can always appeal. Furthermore, he does not have to accept this punishment unless he is in the Navy and a ship is generally out in the ocean, and he cannot do anything about it.

Mr. GROSS. I trust the gentleman's committee will watch the operation on the basis of the changes suggested very closely.

Mr. RIVERS of South Carolina. We shall.

Mr. GROSS. Because, as I say, it does provide for substantial increases in penalties that may be meted out by military officers.

Mr. RIVERS of South Carolina. Let me say this to the gentleman. Under the decisions, that is once a reduction has been executed, the General Accounting Office has ruled it may not be remitted or changed, but under this legislation the man can be restored. Under this proposal a man can be demoted and a superior officer can restore him. He cannot do it now.

Mr. Chairman, this is a very good bill and it will save many young men. Your office and my office and the committee is loaded with incidents where the only alternative was to bring these boys into court. This will avoid that and save the young man.

Mr. GROSS. But I assume the primary purpose for legislation of this kind is to provide better discipline; is that not true?

Mr. RIVERS of South Carolina. Better discipline and also better ways to deter these boys and keep them headed away from this court of record which they cannot change. The distinguished Chairman from California has been years trying to get some of these courts martial decisions changed by statute. However, he has not been able to do it. This will help to avoid that.

Mr. Chairman, I hope this legislation is the forerunner of the abolition of summary courts-martial. This will have a great deal to do with it.

Mr. Chairman, the American Legion favors it, the American Bar Association favors it, the Bar Associations of New York State, the Court of Military Appeals and various other subdivisions favor it. In fact, everyone favors it. This is unanimous legislation.

Mr. GROSS. I thank the gentleman for yielding to me.

Mr. RIVERS of South Carolina. Mr. Chairman, I have no further requests for time.

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

Mr. Chairman, I rise in support of H.R. 11257.

Little can be added to the very complete and accurate description of the proposed legislation just presented by the distinguished gentleman from South Carolina [Mr. RIVERS].

It is very difficult to obtain unanimity of opinion when dealing with a matter of military justice. However, this proposed legislation is unique in that it has the unanimous endorsement of all who have been associated with military justice. Everyone who is familiar with military justice is in agreement that the one weak provision in existing law is that dealing with the authority of the commanding officer to impose punishment for minor infractions of discipline.

Today, the commanding officer, for practical purposes, can either reduce a man in grade, which is a very lasting punishment, or he can restrict him or impose extra duties for 2 weeks, which in many cases is an inadequate type of punishment for the offense involved. Under these circumstances the only alternative left to the commanding officer is to award an offender a court-martial.

Now let me repeat that under existing law, the commanding officer can either award a court-martial or he can reduce a man in grade, which may have a very lasting effect upon his career and his pay.

Bear in mind that we are dealing here with nonjudicial punishment. In other words, the punishment that can be awarded under existing law, as well as that suggested in the proposed legislation, does not involve a court-martial.

When a commanding officer punishes someone under article 15, this does not become a permanent part of his military record and does not constitute a conviction. As a result it cannot be used as evidence of a prior conviction in a future court-martial. This is of great importance to the individual since conviction by a court-martial may adversely affect his military and civilian career and may well affect the type of discharge that he receives upon completing his military service.

Thus, the proposed legislation will permit the commanding officer to award adequate punishment but may well eliminate the present summary court-martial, which is used so extensively in military discipline today.

As the distinguished gentleman from South Carolina has pointed out, we have incorporated in the proposed legislation many suggestions offered by the American Legion, whose special committee has worked long and hard on the proposed legislation.

Among other things, in this bill, we distinguish between the type of punishment that may be awarded by a company grade officer and the type that may be awarded by a field grade officer. This will protect the individual against the possibility of unreasonable punishment being awarded by a well meaning but relatively immature officer.

We have also improved the appeal process.

Also, for the first time, we have authorized the commanding officer to detain pay. This can be done today by regulations, but it is not contained in the law and thus is rarely used.

In summary, Mr. Chairman, I would like to repeat that the proposed legislation is endorsed by many legal groups, by the Court of Military Appeals, by the Judge Advocates General of the Army, Navy, and Air Force, by the American Legion, the American Bar Association, and many others.

Enactment of this proposed legislation should be of great benefit to the man in service who gets into minor troubles because it will permit the commanding officer to award a suitable punishment without subjecting him to a court-martial with a resulting black mark on his record. At the same time it should expedite military discipline by reducing the number of courts-martial that are awarded.

Thus, the proposed legislation will be highly beneficial to officer and enlisted man alike. At the same time it will improve discipline and the overall administration of military justice.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield such time as he may require to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT of Florida. Mr. Chairman, H.R. 11257 is a bill to increase the authority of military commanders to deal with minor offenses and disciplinary infractions in the Armed Forces by the use of "nonjudicial" punishment rather than courts-martial.

As many of the Members of this body recall, in 1950 the Committee on Armed Services recommended, and the Congress enacted, the Uniform Code of Military Justice. That code provided a comprehensive body of disciplinary and criminal law in the Armed Forces, and established a court-martial system to try cases arising in the military services.

In addition, however, article 15 of that code provided a means whereby military commanders could deal with minor infractions of discipline without resort to criminal law processes. Under that article, commanders themselves can impose specified limited punishments for minor offenses and infractions of discipline. In general, the punishments authorized to be imposed consist of withholding of privileges, restriction to limits, or extra duties for not more than 2 weeks, a reduction of one pay grade, or, in the case of officers, forfeiture of one-half of 1 month's pay.

The Uniform Code of Military Justice has now been in existence for more than 11 years, during which time no substantial changes have been made to it. During that time the code has proved to be a noteworthy legislative achievement, which has given to the Armed Forces a system of military justice that not only enables commanders to maintain a high standard of military discipline, but also preserves to the individual members of the Armed Forces the traditional American concepts of fairness and rights of the individual.

The use of nonjudicial punishment has also proved to be a valuable procedure. From the standpoint of the military commander, it enables him to preserve and

maintain discipline by dealing with minor infractions expeditiously. Most important, however, from the standpoint of the individual affected, is the fact that punishment imposed under article 15 does not leave the stigma of a criminal conviction on his record. It should be emphasized that this nonjudicial punishment, as its name implies, is not considered in any manner as a conviction or as a criminal proceeding, but is strictly an administrative disciplinary measure.

During the past 11 years, however, experience has shown that there is too great a gap between the relatively minor punishments that can be imposed under article 15 and the punishments imposable by means of courts-martial. This results in a reluctance on the part of commanders to utilize punishment under article 15—which is so restrictive as to be unsatisfactory as an effective disciplinary deterrent—and instead to refer the case to a summary court-martial, with its attendant stigma of a criminal conviction.

This bill would close the gap by giving to designated military commanders punishment powers substantially the same as those now exercisable by a summary court-martial. Commanders can thereby use nonjudicial punishment as a means to deal with virtually all minor offenses that arise in their commands, with a consequent decrease in—and perhaps eventual elimination of—the summary court-martial.

When the original bill, H.R. 7656, was considered in committee, the committee felt that certain limitations and safeguards for the individual should be written into the law itself. These amendments were made and are incorporated in a clean bill, H.R. 11257, that is now before you. Essentially, such limitations and safeguards delineate in detail the punishments that may be imposed, provide that the maximum authorized punishments can be imposed only by officers in the grades of major, lieutenant commander, or above, who have greater maturity and experience, and that adequate provision be made for appeal and legal review.

The principle of increasing the authority of commanders under article 15 has been urged frequently by reputable bar and veterans' associations—including the American Legion, the American Bar Association, the Association of the Bar of the City of New York, the Judge Advocates Association, and the American Veterans Committee.

The bill now before us is in accord with the recommendations of those bodies, and has the complete approval of the Department of Defense, each of the armed forces, the Coast Guard, and the U.S. Court of Military Appeals.

I know of no objection to the bill, and I strongly urge its enactment.

Mr. RIVERS of South Carolina. Mr. Chairman, I have no further requests for time.

Mr. OSMERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 815 (article 15) of title 10, United States Code, is amended to read as follows:

"§ 815. Art. 15. Commanding officers nonjudicial punishment

"(a) Under such regulations as the President may prescribe, and under such additional regulations as may be prescribed by the Secretary concerned, limitations may be placed on the powers granted by this article with respect to the kind and amount of punishment authorized, the categories of commanding officers and warrant officers exercising command authorized to exercise those powers, the applicability of this article to an accused who demands trial by court-martial, and the kinds of courts-martial to which the care may be referred upon such a demand. Under similar regulations, rules may be prescribed with respect to the suspension of punishments authorized hereunder. If authorized by regulations of the Secretary concerned, a commanding officer exercising general court-martial jurisdiction or an officer of general or flag rank in command may delegate his powers under this article to a principal assistant.

"(b) Subject to subsection (a) of this section, any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one or more of the following disciplinary punishments for minor offenses without the intervention of a court-martial—

"(1) upon officers of his command—

"(A) restriction to certain specified limits, with or without suspension from duty, for not more than 30 consecutive days;

"(B) if imposed by an officer exercising general court-martial jurisdiction or an officer of general or flag rank in command—

"(i) arrest in quarters for not more than 30 consecutive days;

"(ii) forfeiture of not more than one-half of one month's pay per month for two months;

"(iii) restriction to certain specified limits, with or without suspension from duty, for not more than 60 consecutive days;

"(iv) detention of not more than one-half of one month's pay per month for three months;

"(2) upon other personnel of his command—

"(A) if imposed upon a person attached to or embarked in a vessel, confinement on bread and water or diminished rations for not more than three consecutive days;

"(B) correctional custody for not more than seven consecutive days;

"(C) forfeiture of not more than seven days' pay;

"(D) reduction to the next inferior pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction;

"(E) extra duties, including fatigue or other duties, for not more than 14 consecutive days;

"(F) restriction to certain specified limits, with or without suspension from duty, for not more than 14 consecutive days;

"(G) detention of not more than 14 days' pay;

"(H) if imposed by an officer of the grade of major or lieutenant commander, or above—

"(i) the punishment authorized under subsection (b)(2)(A);

"(i) correctional custody for not more than 30 consecutive days;

"(iii) forfeiture of not more than one-half of one month's pay per month for two months;

"(iv) reduction to the lowest or any intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction, but an enlisted member in a pay grade above E-4 may not be reduced more than two pay grades;

"(v) extra duties, including fatigue or other duties, for not more than 45 consecutive days;

"(vi) restrictions to certain specified limits, with or without suspension from duty, for not more than 60 consecutive days;

"(vii) detention of not more than one-half of one month's pay per month for three months.

Detention of pay shall be for a stated period of not more than one year but if the offender's term of service expires earlier, the detention shall terminate upon that expiration. No two or more of the punishments of arrest in quarters, confinement on bread and water or diminished rations, correctional custody, extra duties, and restriction may be combined to run consecutively in the maximum amount imposable for each. Whenever any of those punishments are combined to run consecutively, there must be an apportionment. In addition, forfeiture of pay may not be combined with detention of pay without an apportionment. For the purposes of this subsection, 'correctional custody' is the physical restraint of a person during duty or nonduty hours and may include extra duties, fatigue duties, or hard labor. If practicable, correctional custody will not be served in immediate association with persons awaiting trial or held in confinement pursuant to trial by court-martial.

"(c) An officer in charge may impose upon enlisted members assigned to the unit of which he is in charge such of the punishments authorized under subsection (b)(2)(A)-(G) as the Secretary concerned may specifically prescribe by regulation.

"(d) The officer who imposes the punishment authorized in subsection (b), or his successor in command, may, at any time, suspend probationally any part or amount of the unexecuted punishment imposed and may suspend probationally a reduction in grade or a forfeiture imposed under subsection (b), whether or not executed. In addition, he may, at any time, remit or mitigate any part or amount of the unexecuted punishment imposed and may set aside in whole or in part the punishment, whether executed or unexecuted, and restore all rights, privileges, and property affected. He may also mitigate reduction in grade to forfeiture or detention of pay. When mitigating—

"(1) arrest in quarters to restriction;

"(2) confinement on bread and water or diminished rations to correctional custody;

"(3) correctional custody or confinement on bread and water or diminished rations to extra duties or restriction, or both; or

"(4) extra duties to restriction;

the mitigated punishment shall not be for a greater period than the punishment mitigated. When mitigating forfeiture of pay to detention of pay, the amount of the detention shall not be greater than the amount of the forfeiture. When mitigating reduction in grade to forfeiture or detention of pay, the amount of the forfeiture or detention shall not be greater than the amount that could have been imposed initially under this article by the officer who imposed the punishment mitigated.

"(e) A person punished under this article who considers his punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The superior authority may exercise the same powers with respect to the

punishment imposed as may be exercised under subsection (d) by the officer who imposed the punishment. Before acting on an appeal from a punishment of—

"(1) arrest in quarters for more than seven days;

"(2) correctional custody for more than seven days;

"(3) forfeiture of more than seven days' pay;

"(4) reduction of one or more pay grades from the fourth or a higher pay grade;

"(5) extra duties for more than 14 days;

"(6) restriction for more than 14 days; or

"(7) detention of more than 14 days' pay;

the authority who is to act on the appeal shall refer the case to a judge advocate of the Army or Air Force, a law specialist of the Navy, or a law specialist or lawyer of the Marine Corps, Coast Guard, or Treasury Department for consideration and advice, and may so refer the case upon appeal from any punishment imposed under subsection (b).

"(f) The imposition and enforcement of disciplinary punishment under this article for any act or omission is not a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission, and not properly punishable under this article; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

"(g) The Secretary concerned may, by regulation, prescribe the form of records to be kept of proceedings under this article and may also prescribe that certain categories of those proceedings shall be in writing."

SEC. 2. This Act becomes effective on the first day of the fifth month following the month in which it is enacted.

Mr. RIVERS of South Carolina (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with and that it be open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ROGERS of Colorado, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11257) to amend section 815 (art. 15) of title 10, United States Code, relating to nonjudicial punishment, and for other purposes pursuant to House Resolution 633, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on engrossment and third reading of the bill.

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

The SPEAKER. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

SPECIAL ALLOWANCES FOR CERTAIN PUBLIC HEALTH OFFICERS

Mr. O'NEILL. Mr. Speaker, under direction of the Committee on Rules, I call up House Resolution 631 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10195) to validate payments of certain special station per diem allowances and certain basic allowances for quarters made in good faith to the commissioned officers of the Public Health Service. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL. Mr. Speaker, I yield myself such time as I may require, and at the conclusion of my remarks I yield 30 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. Speaker, House Resolution 631 provides for the consideration of H.R. 10195, a bill to validate payments of certain special station per diem allowances and certain basic allowances for quarters made in good faith to commissioned officers of the Public Health Service. The resolution provides for an open rule with 1 hour of general debate.

The purpose of H.R. 10195 is to validate payments of special station per diem allowances for quarters made before January 1, 1959, to commissioned officers of the Public Health Service having Alaska as their permanent duty station at the time of payment, which payments were not valid because the officers occupied Government rental quarters at less than their basic allowance for quarters; and payments of basic allowances for quarters made before February 1, 1959, to commissioned officers of the Public Health Service occupying Government rental quarters at Indian health facilities, which payments were not valid because such quarters were adequate public quarters. The bill would further authorize the refund of any amounts repaid by the officers as the result of this sequence of events upon application made in one year.

Relief would be extended to just 67 officers who would otherwise be held liable to refund a total of $40,562.10.

Mr. Speaker, I urge the adoption of House Resolution 631.

Mr. BROWN. Mr. Speaker, the gentleman from Massachusetts, my colleague on the Rules Committee, has explained very well the provisions of this rule. This bill was reported unanimously by the legislative committee and it was approved unanimously by the Rules Committee. It involves only some $40,500 in funds which had been paid to certain public officials under the impression that the payments were according to law, to meet their actual expenses only.

I know of no opposition to either the rule or the bill.

Mr. O'NEILL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DISASTER RELIEF—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 405)

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

To the Congress of the United States:

I have the honor to transmit herewith a report of activity under authority of Public Law 875, 81st Congress, as amended, and required by section 8 of such law.

Funds which have been appropriated to accomplish the Federal assistance determined eligible under this authority are specifically appropriated to the President for purposes of disaster relief.

JOHN F. KENNEDY.

THE WHITE HOUSE, *May 15, 1962.*

SPECIAL ALLOWANCES FOR CERTAIN PUBLIC HEALTH OFFICERS

Mr. LANE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10195) to validate payments of certain special station per diem allowances and certain basic allowances for quarters made in good faith to commissioned officers of the Public Health Service.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10195, with Mr. BOLAND in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

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

Mr. Chairman, this bill, H.R. 10195, seeks to validate Alaska special per diem allowance for quarters and basic allowances for quarters at Indian health facilities here in the United States. This bill was filed as the result of executive communication from the Department of Health, Education, and Welfare. Under the provisions of this bill a group of 67 public health officers will be relieved of payment of quarters allowances, which were paid in accordance with previous practices, but which were subsequently declared to be improper for the reason that new quarters had been provided.

The providing of these new quarters prompted reexamination and the imposition of the liability to refund these payments. The amount of money paid to these officers was $40,562.10 of which only $2,717.57 has been refunded to the United States.

The bill H.R. 10195 would make it possible to relieve a group of Public Health

Service officers of liability resulting from the retroactive effect of a decision of the Comptroller General concerning the Department's interpretation of the law as to quarters allowances. While these officers had occupied quarters on a rental basis at Indian health facilities and in Alaska and were paid quarters allowances or special station per diem allowances on the strength of a 1945 law—Public Law 120 of the 79th Congress (37 U.S.C. 111(a))—which expressly provided that personnel would not be deprived of quarters allowances while occupying rental quarters, the Comptroller General's decision held that other laws, in particular Public Law 85-241 enacted in 1957, required that quarters surveyed and found to be adequate should be furnished rent free and during occupancy personnel would not be entitled to quarters allowances. This bill is necessary because the officers are required to return the difference between the rentals and the allowances for periods before the quarters were surveyed and found to be adequate under newly promulgated regulations. In fact, while the survey was made in 1958 and the quarters designated as adequate on February 1, 1959, the health officers were required to refund amounts paid as far back as July 1, 1955. Thus, the situation is one in which the Comptroller General's decision has resolved an ambiguity with a resultant change in procedures, but an inequitable burden is imposed on a group of persons who had no choice but to rely on the Government's interpretation of express provisions of law which were consistent with procedures followed in preceding years.

The bill was introduced in accordance with the recommendation of an executive communication sent the Congress by the Department of Health, Education, and Welfare which recommends that the relief provided in the bill be extended because of the particular circumstances under which the allowances were paid.

The executive communication outlines the circumstances which ultimately resulted in a ruling that commissioned officers of the Public Health Service had received overpayments of quarters allowances. It is immediately apparent that in both of the categories of the bill the payments were made in a manner which followed previous practices. Obviously the health officers involved would have assumed that their entitlement to the allowances had been confirmed in accordance with established practice.

With reference to officers assigned to Indian health facilities as of July 1, 1955, the hospital and health facilities of the Bureau of Indian Affairs in the Department of Interior were transferred to the Public Health Service. Prior to that date commissioned officers of the Service detailed to the Bureau of Indian Affairs occupied on a rental basis quarters maintained by that Bureau. Under this arrangement the officers involved received their basic allowances for quarters under section 302 of the Career Compensation Act of 1949, as amended (37 U.S.C., sec. 252). When these quarters were transferred to the Public Health Service, the previous arrangement with respect to these quarters was continued. As new quarters were constructed for occupancy after July 1, 1955, or occupancy by personnel of the Service after this transfer of hospital and health facilities on July 1, 1955, this same arrangement was applied to commissioned officers occupying the new quarters, and this arrangement continued until the new quarters were determined, on February 1, 1959, to be adequate public quarters, at which time the officers occupying such quarters were no longer charged a rental and lost entitlement to their basic allowance for quarters under the authority in the act of July 2, 1945 (37 U.S.C. sec. 111a), and section 302(b) of the Career Compensation Act of 1949 (37 U.S.C. 252(b)). The question was then presented as to whether the amounts which were paid before February 1, 1959, to officers occupying the new quarters, and which represented the difference between the rental charges paid and the basic allowance for quarters received, were valid payments.

Commissioned officers of the Service assigned to Indian health facilities in Alaska before 1959 received a special per diem allowance for quarters provided under section 303(b) of the Career Compensation Act of 1949 (37 U.S.C., sec. 253(b)). These payments were suspended on January 1, 1959, for officers occupying governmental rental quarters pending resolution of certain questions as to their validity. By decision of May 2, 1960 (39 Comp. Gen. 737), the Comptroller General advised that special station per diem allowance payments to officers occupying Government quarters—at rentals less than their basic allowance for quarters—were invalid and that the officers who had received such payments were obligated to refund the amounts involved to the United States.

It is clear that the Department of Health, Education, and Welfare itself initiated the request to the General Accounting Office, which resulted in the decision which necessitates the relief provided in H.R. 10195. The law which prompted the inquiry in 1959, Public Law 85-241, was enacted in 1957. Yet the decision imposed liability based on payments as far back as July 1, 1955. In addition, it must be recognized that, under these circumstances, requiring repayment from these health officers would have a serious impact on the morale of the Public Health Service and constitute an unfair economic burden. The Department has referred to these considerations when it stated in its communication that:

> This Department believes that the officers concerned should be relieved from reimbursing the Government for payments received with no knowledge of their invalidity. Considerable difficulty would be entailed in seeking repayment of the amounts involved since a number of the officers concerned are no longer on duty with the Public Health Service. For most, if not all of these individuals, whether or not with the Public Health Service presently, repayment of amounts received in good faith would impose a substantial economic burden. In addition, collection of such amounts from officers presently on duty with the Public Health Service would have a serious impact on morale. Finally, as a matter of equity, those officers who have made repayment of all or part of the amounts involved should be able to secure refund of these repayments.

These officers should be granted the relief provided in this bill. A survey indicates that relief would be extended to just 67 officers who would otherwise be held liable to refund a total of $40,562.10. In view of the obvious equities as reflected by these facts, the bill should be considered favorably

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

Mr. LANE. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Can the gentleman tell me whether this was the result of a mistake, an error? Or what is the story?

Mr. LANE. No; I would say it was the result of a survey that was made and the interpretation which was used at that time. The gentleman from Iowa has read the report. He will see in the report that legislation has been passed over the years that perhaps conflicts in some ways with reference to these quarters, and it was because of the fear that there was some question about it when these officers were transferred from the Indian Affairs Agency and these new quarters were provided. It all goes back to the building of these new quarters, whether or not these officers are entitled to the benefit. They were, of course, paying some rent and were at the same time being paid by the Government.

Mr. GROSS. If the gentleman will yield further.

Mr. LANE I will.

Mr. GROSS. Is there any question as to the clarity of the law now?

Mr. LANE. I think there is no question about it. I think the Comptroller General's ruling has pinpointed the conflict of legislation here. This bill for relief is brought in after careful consideration by the Claims Subcommittee of the Judiciary Committee.

Mr. GROSS. The General Accounting Office discovered this error, mistake, call it what you will, there has to be some name applied to it. The General Accounting Office discovered this situation. Is that not correct?

Mr. LANE. It really was initiated by the Department of Health, Education, and Welfare. They really asked for this interpretation from the General Accounting Office. The General Accounting Office did not find it out; it was the Department that sent down this request. In their opinion the law was in such conflict that they did not know whether they were right or wrong, so they got the interpretation from the Comptroller General's Office. In the meantime this survey was requested. It took some time to get a ruling. It all goes back to 1955.

Mr. GROSS. Would the gentleman say this amounts to a windfall of some $40,000? And I do not minimize $40,000 as some people seem to, and say: This is "only—only" $40,000 that is involved.

Mr. LANE. No, I would say to the gentleman from Iowa that in my opinion it does not amount to a windfall because of the fact that the committee carefully looked into the matter very thoroughly to satisfy ourselves that these officers

here are entitled to this relief. Some of them are still with the Service, some are not with us any longer, but they are people of fine reputation, doctors, nurses, dentists, sanitary engineers, and so forth. They received only what they were entitled to as they felt, and what others had been entitled to down through the years until this transfer was made from the Bureau of Indian Affairs to the Public Health Service.

Mr. LINDSAY. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, as the gentleman from Massachusetts has said, this is a necessary bill, and we on the minority side of the Judiciary Committee favor it. We feel this is a necessary proposal in order to relieve 67 employees of the U.S. Government from an unnecessary hardship that was not brought about by any fault or wrongdoing on their part.

This bill would relieve 67 employees of the Public Health Service from the obligation to pay the United States now, many years after the fact, the difference between what they paid for rental of Government quarters and what was received as quarters allowance. I think it is important to emphasize the amounts initially received by way of quarters allowances were entirely proper under the law. It was paid and accepted entirely in good faith.

Some years later it was discovered that rentals should have been paid for these particular Government quarters. A rental was paid, or will be paid by the mathematics of this bill, and the bill is designed only to relieve those employees of the burden of repaying the difference between the rental allowance and the rental. Now, many years later, after audit, it is determined that the Government was in error. Unless this bill is enacted we feel there will be an undue hardship placed upon these Public Health Service officers through no fault of their own. They will be required to pay to the Government money which for many years they, and the Government, quite properly assumed was theirs.

I agree with the distinguished gentleman from Iowa that $40,000 is not to be sneezed at under any circumstances and bears close scrutiny. Nevertheless, I can assure the gentleman and members of the committee that we of the minority side of the Committee on the Judiciary, as well as those on the majority side, view these things with a sharp pencil indeed, and we do not let bills slip through which are not proper and just. This bill is entirely appropriate under all circumstances.

Mr. Chairman, I yield such time as he may desire to the gentleman from Kansas [Mr. SHRIVER].

Mr. SHRIVER. Mr. Chairman, I desire to associate myself with the remarks of the distinguished gentleman from New York [Mr. LINDSAY] who has just spoken.

As a member of the Claims Committee of the Committee on the Judiciary, I, too, strongly feel that the officers of the Public Health Service concerned in H.R. 10195 should be relieved from reimbursing the Government for payments received with no knowledge of their invalidity. For most of these individuals, whether presently in the Public Health Service or not, repayment of amounts received in good faith would impose a large economic burden upon them, and would in many instances be a hardship. It would also seriously affect the morale in this and other Federal services.

As a matter of equity, it would, in the judgment of the Department and in the judgment of the members of your committee, be unwise not to relieve those 67 persons affected by this bill.

Mr. LANE. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. TOLL] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. TOLL. Mr. Chairman, the basic consideration in the introduction of this bill is to extend relief to a relatively small group of Public Health officers who have been subjected to liability and consequent financial hardship through no fault of their own. An objective review of the facts shows that these men were paid the quarters allowances referred to in the bill while they lived in quarters and paid rent in line with the then existing practice. The departments had required that these officers pay a fixed rental charge and had construed the law as permitting them to receive their basic allowance for quarters. Here was a situation where the Bureau of Indian Affairs of the Department of the Interior had never designated any of its quarters as subject to occupancy without charge by commissioned personnel of the Public Health Service and their dependents. After the transfer of Indian health facilities to the Public Health Service, again there was no such designation and the replacement facilities were constructed as authorized in appropriation acts which contained no stipulation that the quarters were to be furnished without cost to these officers. I have emphasized these facts, for the act of July 2, 1945, which is found in the United States Code as section III of title 37, provides "notwithstanding the provisions of any other law" that personnel of the Public Health Service and their dependents would be accepted as tenants for occupancy on a rental basis housing facilities "other than public quarters constructed or designated for assignment to and occupancy without charge by such personnel and their dependents, if any, and such personnel shall not be deprived by reason of such occupancy of money allowances to which they are otherwise entitled for rental of quarters."

As is obvious by the fact that it has been necessary to appeal to Congress for relief for the 67 officers with which H.R. 10195 is concerned, the Comptroller General's decision as to the right to retain such allowances was otherwise than could be inferred from a reading of the foregoing language. Of course, the Comptroller General was called upon to give an opinion based upon all of the law relevant to the situation including the subsequent law enacted as Public Law 85–241 (42 U.S.C., par. 1594). I merely wish to emphasize that this was an obviously technical and involved matter, and there can be no question but that the individual Public Health officers acted in good faith and relief on the employing agency for the correct computation of the money due them.

It is unfair to require a small group of employees to refund amounts received as quarters allowances as far back as July 1, 1955, over the amounts paid as rent. As I have noted they were required to pay the Government in order to occupy the quarters.

The unfairness of this situation can have a serious effect on the morale of the health officers concerned. It is in the best interest of the Government and the health programs involved that these individuals be extended the relief provided in this bill.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following payments are validated: (1) payments of special station per diem allowances for quarters made before January 1, 1959, to commissioned officers of the Public Health Service having Alaska as their permanent duty station at the time of payment, which payments were not valid because the officers occupied Government rental quarters at less than their basic allowance for quarters, and (2) payments of basic allowances for quarters made before February 1, 1959, to commissioned officers of the Public Health Service occupying Government rental quarters at Indian health facilities, which payments were not valid because such quarters were adequate public quarters. Any commissioned officer or former commissioned officer who has made repayment to the United States of any amount so paid him as a station per diem allowance for quarters or a basic allowance for quarters may, upon his application within one year after the date of enactment of this Act, have refunded to him the amount so repaid. Any appropriation that was available for the payment of salaries of commissioned officers of the Public Health Service at any time during the years 1955 through 1959 is available for the payments of the refunds authorized by this Act.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. ALBERT] having assumed the chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10195) to validate payments of certain special station per diem allowances and certain basic allowances for quarters made in good faith to commissioned officers of the Public Health Service, pursuant to House Resolution 631, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

PART II OF THE INTERSTATE COMMERCE ACT

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 320) to amend the provisions contained in part II of the Interstate Commerce Act concerning registration of State certificates whereby a common carrier by motor vehicle may engage in interstate and foreign commerce within a State, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

The Chair hears none, and without objection appoints the following conferees: Messrs. HARRIS, WILLIAMS, STAGGERS, FRIEDEL, BENNETT of Michigan, SPRINGER, and COLLIER.

There was no objection.

D.C. TRANSIT SCHOOL FARES

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McMILLAN. Mr. Speaker, yesterday during debate on the D.C. Transit school fare bill several questions were asked that the members of the committee could not answer. Immediately after Congress adjourned I called on D.C. Transit Co. to furnish me the information and I am inserting in the RECORD with my remarks today that statement from the D.C. Transit Co.

Mr. Speaker, during the debate on Senate bill 1745 yesterday afternoon one of my colleagues, the gentleman from Ohio [Mr. BROWN], on the floor of the House requested information as to whether Capital Transit Co. had formed a subsidiary company for the purpose of removing the streetcar tracks. The Congress in 1956 enacted a franchise act—Public Law 757, 84th Congress—for the Capital Transit Co. and one of the provisions was that the Capital Transit Co. remove the streetcars and the tracks from the streets here in the Nation's Capital within 7 years from the date of the passage of the act.

Immediately after Congress adjourned yesterday afternoon, I called on the Capital Transit officials to furnish me an answer to the request made by my colleague, the gentleman from Ohio, Congressman BROWN.

I am enclosing a copy of the Transit Co.'s answer to this question as this matter had not previously been called to my attention by anyone here in the District of Columbia.

The purpose of Senate bill 1745 is to keep the Transit Co. in the District of Columbia in the hands of private enterprise as we have forces that work here in the Capital City who are very much interested in having the Federal Government operate all mass transportation in the Nation's Capital. I think every Member of Congress who is interested in private enterprise should vote for Senate bill 1745 even though they may not be in complete agreement with all the actions of the present Capital Transit Co. I am certain every Member of Congress realizes that his or her State furnishes buses to transport schoolchildren to and from school if they do not reside within walking distance of the school which they attend. In my State we earmarked all the funds derived from the 3-percent sales tax for our schools and the State officials purchase school buses and erect new school buildings with these funds, and of course, they do not expect any of the private bus or transportation companies to transport schoolchildren free or at half fare.

Under the Franchise Act enacted by the Congress of the United States in 1956 referred to above, we provided that a return of 6½ percent to the company would not be unreasonable, figured on either the system base rate or on gross operating revenue. However, in March 1960 the Public Utilities Commission determined that a fair return to the D.C. Transit Co. would be 4.92 percent of the company's gross operating revenues, rather than 6½ percent. Under the pending bill the Transit Co. cannot collect a dime for school fares until their profits fall below 4.92 percent. I doubt that their profits will fall below this figure any time in the foreseeable future and the passage of this bill would not cost the District of Columbia taxpayers a dime until this happens.

D.C. TRANSIT SYSTEM, INC.,
Washington, D.C., May 15, 1962.

Re S. 1745—School fares, District of Columbia.

Hon. JOHN L. McMILLAN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. McMILLAN: During the debate on the House floor on the above-captioned bill, held on Monday, May 14, Congressman BROWN of Ohio, asked the question as to whether or not D.C. Transit System has a subsidiary company, or an affiliated company, whose stock ownership is similar or identical to that of D.C. Transit, which company engages in track removal and repaving in the District of Columbia.

This is to advise you that D.C. Transit does not have a subsidiary company or an affiliated company which engages in any track removal, resurfacing, or repaving. To date, all track which has been removed has been done by employees of D.C. Transit System, using equipment belonging to that company, with the exception of some track which was removed from North Capitol Street, which work was performed by a contractor pursuant to a contract with the District of Columbia. The contractor which performed the work on North Capitol Street was not, and has never been, in any way affiliated with D.C. Transit System or any of its principal stockholders.

The foregoing information is sent to you in order that you may answer Congressman BROWN's question should you see fit and if the occasion arises.

Very truly yours,
JAMES H. FLANAGAN,
Vice President and Comptroller.

TRANSIT FIRMS SEEM DOOMED, DILWORTH SAYS

Private transit companies in big American cities seem doomed to go out of business in the next 20 years, a House banking subcommittee was told today.

Richardson Dilworth, former Philadelphia mayor, testified that he believed the D.C. Transit System, Inc., of Washington was the only true private transit system left in any city of more than 500,000 population.

In Philadelphia, a private company runs buses it owns. But privately operated rail facilities are run on public-owned rails.

Mr. Dilworth told the subcommittee, that, in effect, they should not be concerned with charges that the President's new transportation program would endanger private enterprise. Private railroads will benefit, the witness said. As for city transit systems, he said they "almost inevitably" would disappear, with or without Federal aid contemplated by the White House.

RECOMMENDS GRANTS

President Kennedy has recommended $500 million in grants over the next 3 years to acquire and operate urban transportation facilities. Loans and demonstration grants also are provided in legislation pending at House committee hearings.

O. Roy Chalk, president of D.C. Transit, opposes the Kennedy bill in its present form. He wants grants channeled to private companies as well as to public agencies. Mr. Chalk, who submitted his amendment to a parallel Senate subcommittee, is expected to appear before the House unit tomorrow.

House Subcommittee Chairman MULTER, of New York, and Representative MILLER, of California, both Democrats, argued that the fiscal burden of providing metropolitan area transportation, was too heavy for separate, local communities.

AMENDMENT DUE

Manuel J. Davis, vice president of Arnold Lines, said he would ask for introduction of an amendment to the bill when he testified Friday.

Mr. Davis last Friday suggested during Senate hearings that the bill be amended so loans and grants could be made directly to private transit firms, without going through local public agencies.

Mr. Davis will suggest an amendment to prohibit municipalities from using Federal assistance to buy out private transit firms, unless the firms first grant permission.

TO STRENGTHEN MILITARY DISCIPLINE WITHOUT BRANDING A MINOR VIOLATOR FOR LIFE

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, every Member of Congress grapples with the frustrating problem of veterans who have received "tainted" discharges. Veterans ask our assistance in the hope of having these discharges changed to honorable, or at least to a general discharge that will not haunt them for the rest of their lives.

"I don't want my children to be ashamed of me when they grow up and ask to see my discharge." Or: "Why should a mistake made during the active military service of my youth 'dog' me wherever I go? Whenever I seek a job in a defense industry, or in many other

industries, my application is rejected as soon as they learn the type of discharge I received. Why wasn't I punished while I was in service, so that my record would be clear? Under the present circumstances, the stigma follows me through civilian life and prejudices my civil rights. Will you help me to get my discharge changed?"

How many times have we heard these appeals for assistance? There is little that we can do. When we intercede with the various branches of the Armed Forces we are told that they are bound by regulations which are strict and unyielding.

H.R. 11257 seeks to prevent this form of punishment from happening in the future:

The purpose of the proposed legislation is to amend article 15 of the Uniform Code of Military Justice to give increased authority to designated commanders in the Armed Forces to impose nonjudicial punishment, thereby enabling them to deal with minor disciplinary problems and offenses without resort to trial by court-martial.

We are not concerned here with the serious violations of military discipline that make the court-martial procedure mandatory. They are relatively few compared with the hundreds of thousands of minor offenses where a serviceman could have been punished within the service without blackening his character for the rest of his life.

The Uniform Code of Military Justice, approved on May 5, 1950, established a body of disciplinary and criminal law applicable to all of the Armed Forces, and set up a court-martial system to try cases arising in the military services.

Article 15 of the code—in addition—permits military commanders to deal with minor infractions of military discipline outside the criminal law processes, by imposing limited punishments. This is what is meant by "nonjudicial punishment." It does not reach the stage of a court-martial, where conviction places a permanent blot on the serviceman's record that follows him through civilian life.

However, the punishment that may be imposed under article 15 is severely limited. It does not include authority for the commanding officer to forfeit or detain an enlisted member's pay, or impose any effective form of custody on the offender. The commander can either impose a limited form of punishment, such as restriction or extra duties, which are ineffective disciplinary deterrents; resort to reduction in grade which is a continuing punishment; or trial by court-martial.

In order to maintain necessary discipline under these circumstances, commanders have no choice but to court-martial the military offenders, which leaves the stigma of a criminal conviction.

After 11 years of experience with the provisions of article 15, the military commanders themselves, in all branches of the Armed Forces, have recommended increased authority under article 15 for the purpose of improving discipline. As reasonable men, they dislike the extreme punishment of court-martial convictions, forced by the restrictions inherent in the present article 15. They are convinced that authority to impose appropriate nonjudicial punishment would result in prompt and just punishment, less harmful to the individual concerned, and more effective in maintaining discipline.

It is noteworthy that their recommendations to amend article 15 are endorsed by the Association of the Bar of the State of New York, the New York County Lawyers Association, the American Veterans Committee, the Judge Advocates Association, and the American Bar Association.

This bill incorporates virtually all of the recommendations of the American Legion, designed to grant military commanders increased nonjudicial punishment authority, but at the same time providing essential limitations and safeguards in the law itself. It has the full approval of the Department of Defense, the Armed Forces, and the Court of Military Appeals.

The strong support of this bill is in recognition of the fact that it will strengthen military discipline by in-service punishment, covering a variety of minor offenses—without resorting to the extreme court-martial procedure that would place an indelible stigma on a veteran's record—and handicap him throughout his civilian life. Nonjudicial punishment will improve military discipline and military justice.

THE CASE OF THE MISSING CABINET OFFICER

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOW. Mr. Speaker, reviewing the impressive list of Kennedy administration medical experts who will address rallies of senior citizens all over the Nation May 20, citizens may note the absence of the distinguished Postmaster General, J. Edward Day, and there may be understandable concern about the welfare of this able public servant.

To quiet, in advance, any possible concern, let me explain that Mr. Day will be absent because he is the Cabinet member who really understands medical care for the aged under social security, and they are afraid to turn him loose.

The President is quite safe in sending Dr. Luther Hodges, Secretary of Commerce, to discuss social security hospitalization at the Boston rally.

Even Dr. Stewart Udall, the Secretary of the Interior, is unlikely to put his foot in his mouth when speaking on a subject so far removed from his official duties, as he will do at Kansas City May 20.

Dr. Arthur Goldberg, the Secretary of Labor, can be relied upon to spellbind the oldsters at Miami Beach.

Dr. James Gleason, Administrator of Veterans' Affairs, can speak with some knowledge of government operated hospitals and government-employed doctors and nurses. The rally at Peoria will hear about this.

Dr. Robert C. Weaver, the Housing Administrator, will be able to deal with the subject at Philadelphia, without danger that prior experience will interfere with his fervent advocacy of socialized medical care.

Another eminent medicine man, Dr. John Horne, can do the job adequately on the basis of his long experience in charge of the Small Business Administration.

And lesser lights will handle the chore satisfactorily at other rallies from coast to coast.

Mr. Day will be missing from the list because he has studied social security medicine and he knows that we cannot afford it.

He has grave doubts about the stability of the social security program even without additional benefits.

And, while serving as vice president of the Prudential Insurance Co. of America, he set forth his views in clear and concise language in an article in the June 1960 issue of Freeman magazine.

Here is what President Kennedy's Postmaster General thinks of President Kennedy's compulsory hospitalization plan—full text on page 7902 of the CONGRESSIONAL RECORD of May 8:

By 1969 the social security tax, even to support the program as it now stands, will be 9 percent of taxable payroll—with half to come from the employee (and not deductible from the employee's Federal income tax).

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

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

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

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

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

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

Mr. Speaker, substitute the words "King-Anderson" for "Forand" in the foregoing, and nothing else has been changed since the Postmaster General wrote his article.

SCHOOL FARES IN THE DISTRICT OF COLUMBIA

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN. Mr. Speaker, on yesterday, in connection with the discussion of the bill S. 1745 dealing with certain transit matters here in the District of Columbia, I asked a number of pointed questions of the committee in charge of the bill and received no definite answers except the promise, or the pledge, they would look into the rumors that had been heard prior to that time.

Yesterday evening I had a call from a Mr. Flanagan, vice president of the D.C. Transit System, Inc., here in Washington, in which he answered some of the questions I had propounded. I requested he place those answers in writing. He has done so.

Mr. Speaker, the letter from Mr. Flanagan to which I refer follows:

D.C. TRANSIT SYSTEM, INC.,
Washington, D.C., May 15, 1962.

Hon. CLARENCE J. BROWN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. BROWN: I appreciate very much the opportunity you gave me today to discuss with you your questions expressed on the floor of the House during the discussion of S. 1745, which relates to school fares in the District of Columbia.

Please be advised that all track removal work performed in the District of Columbia has been performed by D.C. Transit System, Inc. itself, with its own employees, except in one instance. In the case which was the exception, the District of Columbia government entered into a contract to have the track removal done by an outside firm, and D.C. Transit System, Inc. paid for the cost of removal, through the District of Columbia government.

In the case of the repaving of the track area, this work has been done under contracts entered into between the District of Columbia government and outside contractors, and the D.C. Transit System, Inc. has paid the District of Columbia for its proportionate share of the cost of this repaving.

As to the rumors which you discussed on the floor of the House, such rumors may have arisen by reason of the fact that some years ago an affiliated company named Transportation Corporation of America did perform certain construction work in the District of Columbia. This corporation has been inactive for over 2 years. However, during its active existence, it did not perform any track removal or repaving work for D.C. Transit System, Inc.

Finally, D.C. Transit System, Inc. and its officers are not connected with, nor do they have an interest in, any of the construction firms which do or have done track removal and repaving work for D.C. Transit System, Inc.

I trust I have answered these questions to your complete satisfaction.

Your offer to insert this letter in the RECORD in this proceeding is very much appreciated.

Very truly yours,
JAMES H. FLANAGAN,
Vice President and Comptroller.

BLUE CROSS AND BLUE SHIELD GROUP INSURANCE ORGANIZATIONS OF TEXAS

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

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

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, it has been reported and conceded by the two tax-exempt health insurance groups involved—the Blue Cross and Blue Shield group insurance organizations of Texas, that they expended sums of money for purposes other than that for which they were founded.

These are supposed to be nonpolitical, nonprofit service organizations subscribed to and supported by the working people of this country—people who would undoubtedly be the greatest beneficiaries of the President's medicare program. By what right do these organizations use the payments of these subscribers to underwrite expenses other than for the use of their subscribers; especially to attack the administration's King-Anderson medical care bill to both the Texas Hospital Association and the Texas Medical Association.

Could it be that these organizations are subtly working against the best interests of their subscribers and promoting instead the interests of the doctors whose services are performed under their auspices? Were the subscribers given the opportunity to express their views or opinions before their funds were used to permit an attack against the administration's proposal for health care for our older people?

As I have said previously, these organizations have been granted tax exemption by this Government—they now use these same tax-exempt reserves to undermine the very same Government which granted them benefits. This is surely a case of biting the hand that feeds you.

If these organizations are to lobby against medical care they should be deprived of their exemption.

MEDICAL CARE FOR THE AGED

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOW. Mr. Speaker, in view of what the gentleman from New York, who has just spoken, has had to say about Blue Cross and Blue Shield, I should like to raise the question with reference to the hundreds of thousands of dollars being expended from the Treasury of the United States to propagandize for the King-Anderson bill. I am wondering by what authority the Secretary of the Department of Health, Education, and Welfare and other Cabinet officers can use taxpayers' funds to go throughout the country lobbying for their bill. I remind them of title 18, section 1913, United States Code.

SCHOOL FARES IN THE DISTRICT OF COLUMBIA

Mr. MULTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks in the RECORD on the bill S. 1745.

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

There was no objection.

Mr. MULTER. Mr. Speaker, the House will be asked to vote tomorrow on S. 1745 which seeks to amend section 44–214A of the District of Columbia Code which provides for the regulation of fares for the transportation of schoolchildren in the District of Columbia.

I am sure it is unnecessary to recall to this House that when the D.C. Transit Co. was granted its franchise by the Congress, surface transportation in the District had come to a standstill, the prior operator had obdurately refused to negotiate with his employees, and the Congress was faced with the choice of taking over the system and putting the District of Columbia into the transportation business or finding a private operator who would take over the system and supply the District with the service to which it was entitled at a reasonable fare. After long and difficult hearings, the franchise was awarded to the D.C. Transit Co.

The result has indeed been a good one so far as the District of Columbia is concerned and the people who use surface transportation within the District. The old trolley cars have been taken off the streets, and long in advance of the date required by the franchise agreement. New, modern, air-conditioned buses have replaced those old cars and the old buses. We now have good, clean, efficient, rapid surface transportation at a reasonable rate which is equal to that charged in some cities and less than charged in many others.

The franchise agreement assured the transit company a reasonable return which was fixed at a maximum percentage named in the contract. The company has never earned that maximum. Its fares have never been increased to allow that maximum return because of the well-proved theory that to increase the fares would decrease the number of passengers, bringing down the gross and net earnings rather than increasing them.

Another provision of the franchise agreement requires that schoolchildren, all schoolchildren, be transported by the transit company at no more than one-half the cash fare established from time to time by the Public Utilities Commission.

The Congress is now confronted with a choice of enacting this bill requiring

the District of Columbia to pay a part of the cost of transporting such children to and from school, or, if by rejecting this bill, requiring the Public Utilities Commission to increase the adult passenger fare so as to bring about an increase in the schoolchildren's fare, in order that the transit company can continue to earn not the maximum return allowed by law and its franchise, but the lesser sum as now fixed by the Public Utilities Commission.

There is nothing new about this concept. School districts, municipalities and States throughout the Nation pay for the transportation of children to and from school. This bill will make the same principle apply in the District of Columbia but only in part. The children will continue to pay the same fare they are presently paying. Instead of increasing the amount to be paid by such schoolchildren, the District of Columbia will pay that increase. If that increase had been in effect during the current year it would have cost the District of Columbia about $120,000. We are told that the maximum it can ever cost the District of Columbia under the bill before us is $544,000. With the limitations written into the bill, it is doubtful whether such increase will ever amount to half that maximum sum.

The hearings and the report of the other body amply justify the action taken there in passing this bill and amply justify the same action here. The hearings conducted in years gone by, by the House District Committee, and again this year, and the House committee's report on this bill support its enactment. As indicated during the debate yesterday, the District Commissioners favor the enactment of this bill in the form in which it was amended yesterday.

There was some reference made yesterday to the fact that rumor indicated that the D.C. Transit Co. was not clearing the streets as required of it by its franchise and that possibly it was making some unwarranted profits through a subsidiary corporation.

I was very happy to hear the distinguished gentleman from Ohio [Mr. BROWN] and the distinguished chairman of the House Committee, the gentleman from South Carolina [Mr. MCMILLAN], clarify that situation and demonstrate very clearly that the clearing of the streets of car rails and the repairing of the streets is under the jurisdiction of the District Commissioners; that all of this work has been carried on under their supervision; and that the transit company has paid the cost thereof to the full extent required of it by its franchise agreement. Whenever that work was done by the transit company it was done by its own employees and not through the device of a subsidiary company. Whenever the work was done by some one other than the transit company, it was a corporation that had nothing to do with the transit company, directly or indirectly; such company was required to compete for the contract; the award was made to it by the District Commissioners who retained complete jurisdiction over the work to the same extent as if it had been done by the transit company. In those few cases where car rails were covered over instead of being removed, that was done pursuant to the direction and under the supervision of the District Commissioners, with the obligation still remaining on the transit company that if the car rails must ever be removed, the cost thereof would still be assessed against and paid by the transit company.

This is a good bill and it should be enacted.

IS THE U.N. SERVING OUR BEST INTERESTS?

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Mississippi [Mr. WILLIAMS] is recognized for 45 minutes.

Mr. WILLIAMS. Mr. Speaker, we will be called upon soon to vote $100 million for the United Nations. We will be asked to do this notwithstanding the fact that our country, which is but one of more than 100 member nations, has borne almost half the total expense of U.N. operations over the years. Enigmatically, we are being asked to ante up this additional $100 million despite the fact that the U.N.'s current financial crisis, in major part, is due to the refusal of other member nations to carry their allotted share of the burden.

I am certain that the American people would be more than willing to contribute $100 million—or any other amount that might be required—if it could be shown to them that the U.N. is serving the best interests of our country. I am sure they would be happy, even, to dig deeper in to their pockets to support the U.N. if they could be shown that the organization, in truth and fact, is an effective instrument for preserving world peace.

Unfortunately the recent performances of this organization would lend credence to the argument that it is neither serving our best interests, nor is it effectively serving the cause of peace.

Mr. Speaker, no one in America today is better qualified by experience to appraise the work of the U.N. than our former Secretary of State, and later Governor of South Carolina, Hon. James F. Byrnes. It should be remembered that Mr. Byrnes was one of the architects who drew the original blueprints of the United Nations, and helped to bring the Organization into being.

Speaking in my home State of Mississippi on February 6, 1962, Mr. Byrnes raised some serious questions about recent policies and actions of the United Nations.

In his address, which for some reason was generally overlooked or ignored by the one-world segment of the American press, Governor Byrnes said:

> The United Nations of today is not the organization we sponsored in 1945. Originally, it was composed of states that had declared war against the Axis Powers. At the time of creation there were only 50 member states. Gradually the number has been increased until today it has more than doubled.
>
> Of the 104 members, 34 are Afro-Asian States. Most of these were established within the last few years, and few of them have had any preparation for participation in the solemn decisions of world affairs.
>
> The United Nations is changed not only in its membership, but in its purposes. The charter, in the first chaper, declares: "The purpose of the organization is to maintain international peace and security."

Mr. Byrnes pointed out further:

> The charter specifically provides in article II of chapter I, paragraph 7, "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present charter." At the time the United States ratified the charter, there were in the U.S. Congress many men who favored it because of this language, but now the coalition of Afro-Asians and Soviets seems determined to intervene in the domestic affairs of the Governments of the free world.
>
> The problems now confronting the U.N. make it wise for us to take stock of our position. The United Nations is not what it was or what it was intended to be. The increase of membership from 50 to 104 has made it possible for the Afro-Asian bloc, plus the Soviet bloc, to dominate it. From experience we know that the Soviet bloc is not interested in the maintenance of international peace. It is the greatest threat to peace. Peace is not the primary purpose of the Afro-Asian States. They are inspired by their hatred of the so-called colonial powers, like Britain, France, Portugal, Belgium, and the Netherlands, who are our friends. If, to win the support of the various African tribes, now established as states, we constantly antagonize our proven friends, we cannot expect their continued friendship.

What Mr. Byrnes said in this speech, in essence, was that because of its abandonment of the policies and purposes originally prescribed in its charter, and its substitution, instead, of policies leading to its intervention in the internal domestic affairs of its member states, the United Nations might well have lost its usefulness.

What Mr. Byrnes did not say, but which was evident nevertheless from the force of his remarks, is that the United Nations, as presently constituted and operated, has become a liability.

I would point out, in addition, that the United Nations has also become a racist organization, fostering racial strife on a worldwide scale. Moreover, the United States, through acquiescence to and support of these policies laid down by the U.N. must assume its share of the blame for the situation which the U.N. is creating; a situation which, indeed, threatens the peace in many areas of the world. As a matter of fact, we have encouraged the United Nations to become a racist organization through our approval of its policies of intervention in the internal domestic affairs of its member states.

Our policy of anticolonialism has apparently become a policy in which we arbitrarily oppose the white races in every clash involving a colored race. Somehow, though, when Russian colonialism involves the exploitation of one white society by another white society, our policy has been to ignore the plight of the white victims of Bolshevist brutality and enslavement. This was evident in the case of Hungary, when we—and the United Nations—stood by as witnesses to the criminal rape of a people yearning for freedom without lifting a finger to resist the aggressors.

The latest manifestation of this supine policy is in Berlin, where again we stood by, hands in pockets, and watched the wall seal off helpless and despairing citizens of West Germany. The Red Chinese descended upon the Tibetans, and once again we stood by, timorous and powerless.

But when colored races clashed with white races in Africa, we took sides immediately, placing ourselves categorically, shamelessly, and with bravado against the whites. We helped force the Belgians out of the Congo, even though it was quite apparent that the territory was wholly unready for self-government. In the resultant chaos, we took sides against Tshombe, who had white support, and who had declared himself a friend of the West and an opponent of communism. We hailed the victory of Adoula as vindication of our stand and a great triumph of our diplomacy. We have acted as if the Belgian Congo had suddenly become a prosperous, stable, pro-Western country, when in actuality, it is a disjointed, confused, poverty-stricken, illiterate, conglomeration of cannibalistic tribes seeking to destroy each other as well as their white benefactors.

In regard to international affairs, Adoula is, at best, a neutralist. When he visited the United States not long ago, he was given the full red carpet treatment by our Government, and was received by the White House as if he were a long-lost friend who had just returned. However, while he was here, he also paid a visit to the United Nations, where he paid loving tribute to Lumumba, the slain Communist Congo leader.

He indicated, also, that he would assist in the campaign to drive the Portuguese out of Africa. That he was sincere in this is indicated by the establishment, on Congo soil and with Adoula's approval, of a so-called government-in-exile, for Portuguese Angola.

This outfit is headed by the terrorist Holden Roberto.

Also Adoula has begun to jail his supporters, after the high-handed fashion of Nkrumah and other African leaders who are showing megalomaniac characteristics. It seems, however, that regardless of what Adoula believes and what he has done, he is established as our man, and we are stuck with him. I would predict, however, that he will cost us plenty of money and give us plenty more trouble before we are through with the mess he helped create in the Congo.

Let us try to analyze the reasons for our disastrous course in Africa and Asia. I do not question that there might be some idealism and highmindedness in it; and, obviously, old fashioned colonialism is on the way out—save perhaps where Russia, Red China, and some of the newly emerging African and Asian nations are concerned. From the idealistic standpoint, the Asian and African countries which have been dominated by European nations should be entitled to the privileges of self determination. Speaking realistically however, no situation is the same in any two countries, no rigid formula can be applied; a purely doctrinaire approach could be disastrous.

If Africa is to have any future—other than strife and confusion—the races must cooperate. The Negroes cannot develop Africa without the help of their more enlightened and advanced white compatriots. Our dislike of colonialism should result in flexible and sensible policies; instead, we find ourselves in the peculiar position of supporting our enemies while we are fighting our friends.

The effect has been to turn the U.N., an organization formed to keep the peace, into an actual instrument of war. It is no wonder that some of our Nation's leaders, including some stanch administration supporters, have become alarmed. Indeed they have reason to be perturbed.

There is something sinister in the background of this U.N. situation; there is more than meets the eye. Many informed persons know it is there, but they choose to ignore it, and never make mention of it save by indirection.

While admittedly our African policy is based in part on idealism, it is also based in part on politics—naked, brazen, wardheeling politics. Our policy, in my opinion, is part of a studied and ceaseless campaign to win—to buy, if you please—the Negro vote here in the United States. This apparently is the theory: if the administration takes the part of the Negro in Africa, whether right or wrong, the Negro in the United States will in turn take the part of the administration. The assumption, of course, is that the Negro will vote for the administration come what may; hence the slogan: "Africa for the Africans," founded last year by the Assistant Secretary of State for African Affairs, G. Mennen Williams. Later, in an attempt to assuage outraged critics and to ameliorate this aspersion against white Europeans, Mr. Williams sought to explain it away by saying that his statement had been misunderstood. As an afterthought, he explained that he had meant Africa for all who dwelt there; but his initial assertion, "Africa for the Africans" still resounds.

This racist bid for Negro political support domestically is shameless, nearsighted, and reprehensible. It constitutes an injustice not only to our own Negroes, but to all the citizens of the United States. In the long run, it will serve to aggravate racial disorder not only in Africa, but all over the world, including right here in America.

A steady and remarkably successful propaganda campaign has been waged in this country to have the American Negro identify himself with Negro racism in Africa. With very few exceptions, almost all the Negro columnists, writers, commentators, and professional leaders are violently antiwhite, where Africa is concerned.

Portugal, for example, has pursued a multiracial policy for generations in Africa and elsewhere. That seems to make little difference, as the attacks on that country from Negro leaders and writers in the United States are violent in tone. The Chicago Defender, for example, after India attacked and overran the Portuguese Province of Goa, took sides immediately with India, the colored nation, against Portugal, the white country. On December 21, 1961, the Defender said that it cared not a whit whether India was right or wrong and that "we cast our lot on the side of Premier Nehru in any dispute between him and the colonial-minded, undemocratic government at Lisbon."

The Washington Afro-American of April 10, 1962, printed excerpts from a speech by the Portuguese Ambassador in San Francisco with this sneering headline over the story: "We're Saving the World From Itself Says Portugal—Hubba, Hubba, Hubba."

This is the thanks they have given Portugal for scrupulously avoiding discrimination based on skin color.

If I understand the matter correctly, the American Negro's current civil rights campaign is based on the proposition that he should be treated as any other citizen and that, above all, there be no discrimination against him simply because his skin is colored. Assuming this is true, it would seem that American Negroes should also look with more favor on Portugal than any other European nation, and that they would support Portugal's efforts to build multiracial communities in its African provinces. Whatever Portugal's shortcomings might be, informed observers agree that the multiracial policy is genuine.

To put it bluntly, most of these vociferous Negro complaints have a double standard. They ask for equality here, but they support extreme racism in Africa. There are many evidences of this.

The Baltimore Afro-American of November 11th was intemperate to the point of being violent on the subject of Portugal. Assailing a public relations campaign on behalf of the Portuguese in Angola, the paper commented:

> This sickening effort to maintain the last bastion of colonialism in Africa cannot expect to gather acceptance from anybody in the world, except for a few diehard colonialists in Europe and Africa, and to this newspaper's regret, a few misguided black Uncle Toms in America.

Any journalist, white or colored, who writes objectively about events in Africa is almost immediately assailed by these Negro spokesmen. Robert Estabrook, former editor of the Washington Post and now that paper's London correspondent, visited Angola last February. Notwithstanding the Post's antiwhite and pro-Negro attitude expressed so often, he wrote a temperate and well-balanced series of articles which was critical of the Portuguese but admitted that Angola was not ready for self-government. He said also that the best hope for that Province was to work out, under Portuguese guidance, a multiracial society.

Almost immediately, a Negro minister, a man named Smallwood L. Williams, presiding bishop of the Bible Way Church, World Wide, charged that Estabrook had fallen a victim to Portuguese propaganda.

This man Williams was quoted in the Washington Afro-American, a Negro newspaper, as implying that Estabrook's trip to Angola and Mozambique was paid for by some propaganda agency.

The Associated Negro Press, probably the largest news service for Negro papers, keeps several correspondents in

Africa, so I have been told. The Associated Negro Press makes little pretense of objectivity in any matters relating to so-called colonialism. For example, a shipwreck took place last year off the coast of Mozambique, Portuguese East African Province, in which a number of persons lost their lives. Among these were some Mozambique Negroes returning from work in South Africa. The ship was ridiculously portrayed as a slaver's vessel with the unfortunate workers confined in the hold, and as a result unable to escape. This was obvious, malicious fiction. Many natives outside South Africa seek employment there since wages are higher than in almost any other part of Africa. The shipwreck obviously had nothing to do with forced labor.

Much of the opposition to desegregation in the United States is based on the fact that conditions cannot be changed overnight. The slaves brought to the United States were primitive tribesmen, just as the majority of the natives in many African countries still are primitive. The removal of the Negroes to America removed them also from the tribal animosities and feuds which are so fresh and alive in Africa today. The culture of American Negroes is a white culture.

Radical Negro leaders in this country demand the immediate removal of every form of discrimination. They talk incessantly of rights; there is little talk of responsibilities. Some Negro leaders are concerned over this situation but they dare not comment. They know they would be pilloried if they intimated or admitted any shortcomings of their people. They realize that blaming everything on segregation is not the answer; but they are afraid to say so.

The competition for the Negro vote here in the United States is fierce and keen. Demagogs in both major political parties clamor incessantly about alleged wrongs being committed against the Negro race by "heartless" southern white people. It is extremely difficult to talk and act sensibly in this kind of atmosphere, and reason and commonsense become obscured in the maelstrom of hysterical prointegration propaganda.

The public schools of the District of Columbia were desegregated in the fall of 1954, just a few months following the Supreme Court's infamous black Monday decision. If the bleeding-heart theorists had been correct, this would have solved the matter, and Washington would have become a utopia of racial intermixture. The practical result has been a mad and frantic exodus of white people away from the integrated District of Columbia into the segregated suburban areas, and the public schools of Washington have become virtually resegregated because of this flight of white people away from the District.

The crime rate in the District of Columbia is unusually high, and has been the subject of great concern to the responsible citizenry and to the Congress. A disproportionate share of these crimes are committed by Negroes; yet, by some curious process of reasoning, the pro-Negro equalitarian liberal press has absolved the Negro of his own derelictions and has managed to place all of the blame upon the white people. They claim that it cannot be the fault of the Negro, because they are victims of their past. This rationalization, unfortunately, does not contribute anything toward solving the crime situation in the Capital of our Nation, which continues to rise with alarming rapidity.

Most of our Negro leaders rail constantly against racism—racism in the United States, that is. In Africa, things are quite different.

There the Negro leaders air their racism blatantly. Do our American Negro leaders criticize them? The answer is a flat "No." Many of the African leaders are out-and-out racists who say they will put the whites in their place and keep them there. Have there been any complaints from our Negro leaders and our bleeding-heart liberals? I have not heard any.

Let us listen to Tom Mboya, Kenya leader, as quoted by Louis Lomax, well-known Negro journalist and writer. Mboya, prospective Prime Minister when Britain steps out of Kenya, is quoted as follows:

> The Europeans know they are finished in Kenya. Now all they want to know is if we're going to pay them for their land. The civil servants know they are done here. Now all they want to know is whether we are going to give them a pension. Every day they stop me on the streets and they ask me: "Mr. Mboya, are you going to take our land? Are we going to be compensated? Are we going to get pensions?"
>
> I tell them, "Don't ask me to pay you. Tell your troubles to Macleod [the British Colonial Secretary]. Let him pay you. As far as we are concerned, the Europeans have lived off the fat of the land. They have had their compensations and their pensions."
>
> Then the Europeans want to know if they can stay on in Kenya. I tell them: "Sure." But if they stay on they must get out of politics. We are going to have an all-black Parliament and an all-black Government. We are going to divide our land among our people. If the Europeans want to stay, they can stay on as squatters. If they want to work, they can work for us.

This goes far beyond anything said on the race issue in this country by the most rabid segregationist leaders, including even the grand dragon of the Ku Klux Klan.

Is there an outcry against Mboya from Negro spokesmen and publications such as the Washington Post and the New York Times? Do not be ridiculous. The pseudoliberals and their spokesmen flail racism in America; in Africa it is an entirely different thing.

Our self-styled liberals attack colonialism constantly, white colonialism, that is. They couldn't care less about the rise of Negro racism and dictatorship in Africa. Apparently they have no concern about Negro colonialism which already exists and will spread as the strong countries among the new African nations begin to practice imperialism of their own.

Nor does the racism of the United Nations concern them. There is an occasional reference to concern in some quarters about the voting record of the Afro-Asian nations at the U.N., but is usually followed by a ringing defense of the U.N. and the intimation that only this organization stands between us and an almost immediate showdown with the Russians.

Mboya is not the only African leader who speaks in racist terms. Cooper, of Liberia, has told the U.N.:

> Tutelage in any form, however benevolent, is obnoxious. Africa is the last bastion of colonialism. Colonized people are no longer prepared to have their freedom or independence delayed or postponed on the grounds of unpreparedness, or under the guise of some sacred trust.

Toure of Guinea has spoken in a similar vein; so have many others.

The defenders of our Afro-Asian policies tell us that many of the new nations are uncommitted and that winning them is vital to our security.

I do not know just what is meant by being "uncommitted." Many of these new countries are hopelessly backward, poverty stricken, torn by rivalries and jealousy; yet their attitude toward us is supposed to shape our future.

There is some sort of mystique about the word "uncommitted" which I do not comprehend. Many of the new African States could go Communist, and, as I see it, Russia or Red China, as the case might be, simply would have additional trouble and headaches as a result.

Last September, more than 20 of the so-called neutral nations met at Belgrade in Yugoslavia. There were quite a few new African nations and some of the new Asian countries as well, including a whole flock of the so-called uncommitted countries.

There is no question but that we have tried to win this group. All in all, the countries that met at Belgrade have received more than $6 billion, including more than $2 billion to Tito's Yugoslavia, all from the pockets of the American taxpayer under our foreign aid program. The meeting was held shortly after the Russians resumed nuclear testing. The so-called neutralists and uncommitted nations showed a most tender regard for the sensibilities of the Communists, while they showed none for our feelings, saying that the U.S. Naval Base at Guantanamo Bay affects the sovereignty and integrity of Cuba. If the commitment of the uncommitted nations is as vital as we are told, we really are in a bad way.

Perhaps the most revealing aspect of our Afro-Asian policy is our attitude toward Portugal. This country has been our friend and ally for years. Portugal is a member of NATO and since World War II has given us invaluable bases in the Azores free of charge.

Last March, the United States voted at the U.N. for an investigation of conditions in Angola, Portuguese West African Province. In so doing, we found ourselves siding with our cold war enemy, Soviet Russia.

Almost coincidentally with the vote, an army of terrorists swept across the Congo border and fell upon the unsuspecting Portuguese, in an orgy of rape, murder and torture.

The Portuguese fought back. With the arrival of troops, they began to get the better of the fighting and imme-

diately, a great hue and cry arose about the fact that the Portuguese were killing their assailants.

Following this deplorable situation, a resolution was introduced at the U.N. Security Council which called upon Portugal to desist forthwith from repressive measures in Angola. In other words, the resolution, in effect, called upon the Portuguese to stop defending themselves.

This vote is one of the most shameful actions by the United States in all its history. It was indefensible and was aptly called by Arthur Krock, distinguished columnist of the New York Times, a "form of lynch law."

Nobody in the U.S. Government ever has tried to explain or defend this vote—and no wonder.

The Portuguese have a good record in Africa. True enough, they have made mistakes but there is no government that has not or does not make mistakes. Offhand, it would seem that the self-styled liberals should embrace the Portuguese. They have pursued, as I pointed out earlier, a multiracial policy; discrimination on the basis of skin color is almost nonexistent and this policy—one of nondiscrimination—if I understand it correctly, is supposedly the goal of American Negroes for the United States.

Let me speak a moment to this word, "colonization": The Portuguese regard Angola and Mozambique as integral parts of Portugal, just as we always regarded Alaska and Hawaii as integral parts of our country even before statehood. It is true that Angola and Mozambique became Portuguese through colonization and we bought Alaska after the Russians had colonized it; there is that difference. But not Hawaii, Hawaii became ours through conquest. Indeed, our own United States became a nation through colonization.

The point is this: There is more than one sort of colonialism and the question—as it pertains to the Portuguese—is this: Is Angola well governed or poorly governed? Let us look at it.

Angola is not ready for self-government; that is generally agreed to by all. Nevertheless, today every Angolan has the full rights of citizenship. Indeed, Angola is much further ahead in many ways than some of the African nations that are denouncing the Portuguese and threatening to run them out of Africa. For instance, Portuguese rule in Angola compares most favorably with the Government in Liberia, settled more than 100 years ago by descendants of American slaves. These descendants of American Negroes, incidentally, have always exploited the natives, and conditions—even today—could be greatly improved. Liberia is frankly racist, only an individual with Negro blood can be a citizen. Think of that.

If the President of Liberia, for example, were a white ruler of a white nation that did not permit Negroes to become citizens, he would be justifiably called a dictator and a tyrant; our liberal crusaders would attack him without mercy. For the life of me, I cannot see how skin color affects a dictatorship. Either the ruler—black or white—is a dictator, or he is not.

There is Ethiopia, which is one of the most active and implacable enemies of Portugal. In many ways, Ethiopia is a feudal country, hopelessly backward and ruled by a dictator, but the rule of the Emperor there is defended on the grounds that a strong hand is needed. Yet a far less strong hand in Portugal is denounced. Nor does it matter that the Amaharas, a Semite people who constitute the Ethiopian ruling class, dislike the Negroes under them. Our American Negroes and our modern liberals ignore this fact. They seem to love Ethiopia and to hate Portugal. It is indeed a queer world.

On every occasion when the Angola question has come up at the United Nations America has voted against our ally Portugal. Regardless of consequences, we seem determined to help drive the Portuguese out of Africa even at the cost of open race warfare. Let me point out to you, today, there is talk of a desperate stand by the white people of Angola, Rhodesia, Mozambique, and South Africa; and America seems to be doing all it can to provoke that stand. Offhand, it would seem that our representatives in the U.N. would be searching for some middle path, some way for the Negroes and whites to work together in Africa, some method of subordinating racism. But we have not thus far. Instead, we have been actively fomenting race hatred, using the U.N. as our instrument.

Let me refer to an Angolan terrorist leader, Holden Roberto. Last July he gave an interview to a Paris newspaper in which he was quoted as taking the responsibility for the murder of women and children in Angola, blandly explaining, according to the paper, that killing those people, while regrettable, was necessary. What Roberto had in mind was to arouse race hatred and fear where none existed; planning to make the Portuguese afraid of the natives and the natives afraid of the Portuguese.

Consider this fact: While we have denied entry into the United States for Tshombe, the friend of the West, Holden Roberto—admitted terrorist leader—comes and goes freely. He is backed and defended by the American Committee on Africa that assails the Portuguese virulently, charging them with every crime they can think of including forced labor.

As to forced labor in Angola, here is the fact: Many prominent writers and commentators have been to Angola since the outbreaks a year ago last March. They traveled freely and went where they chose but did not find these conditions. Most of them came back sympathetic with the Portuguese point of view. Listen to this: The International Labor Organization, an affiliate incidentally, of the U.N., investigated the charges of forced labor in Angola and said they were not true.

Still, the American Committee on Africa, which lists many prominent Americans as its members, continues its hate campaign. This outfit lists Mrs. Roosevelt, Arthur Schlesinger, Jr., Assistant to the President, and quite a few Members of the House and Senate among its membership. To the American Committee on Africa, Holden Roberto, the man who ordered women and children murdered, is evidently a hero.

Some years back South African police killed a number of Negroes at Sharpeville and a worldwide outcry arose; but little was said when the terrorists murdered several hundred whites and Negroes in northern Angola. There has been no censure of Roberto. In fact, our Ambassador to the United Nations, Adlai Stevenson, voted to censure the Portuguese who resisted the terrorists, the Portuguese who defended their wives and children against these savage attacks.

I am not so certain that our State Department does not regard Roberto as a hero also. I am advised that letters written asking why Roberto is allowed to come and go as he pleases are met with bland evasions and the statement that, insofar as one can determine, he is not a Communist. If one takes at face value State Department letters explaining why Roberto is allowed entry into the United States one might assume that we are backing him as we are backing Adoula. The State Department says there is no evidence that Roberto is a Communist and it flatly blames the Angolan troubles on the Portuguese. This constitutes an unwarranted and malicious attack on a friendly nation, for the evidence shows that the terrorist attack on Angola originated from the outside; if conditions in Angola faintly approximated the charges made against the Portuguese, there would have been uprisings all over the Province. Instead the fighting was confined to a comparatively small sector in the north. The terrorists soon were driven out of Angola, and despite reports to the contrary, the situation has been contained ever since. As a result of this frustration a number of African nations are threatening to get together and drive the Portuguese out of Africa. Among these countries are Guinea, which is very close to Communist Russia; Ghana, a dictatorship; Egypt, another dictatorship, and several other countries whose internal affairs are far from democratic. Why do they plan to attack the Portuguese? They say they are opposed to colonialism, but I suspect the real reason is racism.

Will the United States actively assist this racist movement? No one outside the establishment can say with certainty but the fact is that we have sided with the anti-Portuguese elements thus far. If we backed the U.N. attack on Tshombe—and we did—it is not reasonable to assume we would likewise jeopardize our own best interest by backing a similar attack on the Portuguese with troops from Ghana, Mali, Egypt, Guinea, and other African countries, all of which detest the Portuguese?

Not long ago, Holden Roberto announced he had the backing of Adoula for the formation of a so-called Angola Government in exile, based on Congo soil. In addition, there have been reports that several African nations would furnish troops to Roberto in order to force the Portuguese to surrender. If this happens, what will we do? Will we stand idly by and let Adoula actively assist Roberto? Are we eager to have another Belgian Congo on our hands? Will

the executive department then come rushing again to the Congress asking for another bond issue, or loan, to bail out our latest adventure in racism? Who can tell what may happen?

The New York Times—in its most solemn terms—dealt with the formation of Roberto's government-in-exile. It ran a word portrait of Roberto, the terrorist, which portrayed him in an admirable light. If one accepts the Times version, the man is a patriot and friend instead of a terrorist, murderer, and enemy.

We should not forget it was the New York Times that backed Castro. They pictured this little beatnik Communist as a hero. He was the New York Times' candidate for Cuban ruler. He was helped greatly by the Times' support, and now look at Cuba; the developments following the elevation of Castro constitute a major disaster to the United States.

It would seem that the Times—following that national debacle—would be cautious and would be careful about sticking out its neck on such delicate situations; it would seem the paper would have learned something from Cuba. But notwithstanding, Roberto seems to be their man. Is it to be Castro all over again?

The State Department tells us there is no evidence that Roberto is a Communist. Evidence or not, he plays the Communist game. The Communists want the Portuguese driven from Africa; the Communists charge the Portuguese with terror and oppression in Angola; and these charges are parroted by the American Committee on Africa almost word for word; and we find ourselves joining hands with Soviet Russia in voting against Portugal at the U.N. What is a person to think? This vote, alone, should warn us; but no, if the quarrel involves a colored race and a white race, America's representative in the U.N.—as the administration, itself—invariably has sided with the colored race. In the row between Indonesia and the Dutch over Dutch New Guinea, America has lined up with Sukarno, the Indonesian dictator. The Attorney General, Robert Kennedy, was quoted on his return from a world tour as saying Indonesia—that is, Sukarno—should take over. What is involved here? The Dutch are willing to turn over New Guinea to a United Nations trusteeship but they are not willing to turn it over to Indonesia since the New Guineans are of a different race than Sukarno's people. Sukarno wants to turn New Guinea into a colony.

If the Attorney General has been quoted correctly, he thinks Indonesia should take over New Guinea because if the Dutch turn it loose, it will not be ready for self-government. At this point I become completely bewildered. The only consistent thing in all of this can be put very simply: The United States seems always to take the part of a colored race if the colored race is quarreling with a white race. That is history, that is precise fact.

Some of the architects of our U.N. policy and our foreign policies generally have their heads in the clouds and their eyes toward the stars. Others have their eyes on the ballot box back home.

By our attitude at the United Nations, we have encouraged racism in Africa and Asia. Our Negro leaders can and do point out that in wanting the Portuguese driven out of Africa, they simply are supporting their Government. That is, as American citizens, they are merely supporting the policy of the American Government—as indeed they are. But call it what you will, the practical effect of this policy is bold racism, the very thing they claim to fight here at home.

The game our leaders are playing, and playing in large part for Negro votes in this country, is a dangerous game. If we continue our pressure against the white people in Africa, if we look on complacently as they are dispossessed and driven out, I predict there will be startling repercussions. Already the conflict in Algeria has degenerated into race war. The conclusion of an agreement between the Government of France and the Algerians did not end the strife; the terrorism on the part of the OAS reflects the desperation of the white settlers in Algeria. They fear race persecution by the Algerians.

Do we intend to drive the whites in Angola, Mozambique, Rhodesia, and South Africa to similarly desperate straits? Will we support the Negro racists like Mboya and Nkrumah? Will we take sides to the extent that nowhere below the Belgian Congo will there be any accommodation between the races or cooperation for the betterment of all?

It is time we faced reality. The U.N. has been sold and is being sold to our people on the basis of slogans, which sound like, and probably are, the products of Madison Avenue hucksters. For example, one of the arguments for our course in the Belgian Congo, as described by our officials, is to prevent a direct collision with the Communists in that area. Or to put it another way, the U.N. is presented as a buffer between ourselves and the Communists.

That is fallacy. If the U.N. can act as a buffer between us and the Communists, why is it not a shield in Vietnam, where American troops are fighting and dying? Why is it not the U.N. standing between us and the Russians in Berlin? The U.N. may be useful in some ways, provided we do not make the United States the tail to the U.N. dog, but we should not think of it as a buffer. Our whole U.N. policy, almost from the very beginning, indicates how our Government manages to paralyze and hypnotize itself because of this and similar illusions.

We have had a respect for world opinion which is psychopathic. The Russians have used their veto at the U.N. blatantly and cynically whereas we have refrained from doing so—as if the use of the veto would blight all growing vegetation within the United States and start a worldwide crusade against us in the bargain.

What is the upshot of it all? The so-called neutralist nations, the uncommitted—so-called—countries openly respect the Soviet Union. Russia pursues a selfish, cynical course, relying upon force and power. Other countries understand this and bow before them for they fear the Russians. On the other hand they must regard us as a kind of Ferdinand the Bull and figure that the more contempt they show for us, the more they can get out of us. The only realistic and practical thing I see in the U.N. policy as pursued by this and previous administrations is a cynical campaign to win Negro votes.

With the U.N. bond issue, we will have opened another avenue for spending which will continue indefinitely. Adoula will cost us plenty before he is through and if we insist on tearing Africa apart and turning it over to the Communists, or racists, we will have something on our hands that our pocketbooks cannot handle. Already we are overcommitted and overstrained.

To our American Negroes, let me raise the flag of caution. Race hatred is not confined to the white and colored races. Take a look at British Guinea. What has been happening there? The political leader, Jagan, is an Indian and his followers in that British colony are Indians. He is opposed by the Negroes in that area. The Negroes in British Guinea and the Indians are at each other's throats. All over Africa and in other parts of the world, the Indians and the Negroes do not get along. There is no love lost between the Negroes and the Arabs, or the Negroes and the Orientals. Are we going to encourage this sort of thing by encouraging racism in the U.N.?

In conclusion, take a look at the figures. There are approximately 930 million white people in the world; 930 million of the yellow race; 930 million of the brown-red race and only 240 million of the black race.

Let us all be careful of the tiger, race hatred. Let us confine him wherever we can. If we insist on letting him loose, for politics or other reasons, beware.

I think eventually our American Negroes will see through the cynical show they are being made a part of, will see and understand what is happening. Their future lies here in America. By no stretch of the imagination can it be transferred to Africa.

They will realize that they cannot have it both ways; they cannot advocate equalitarianism here and insist upon racism in Africa. If our Negroes, swayed by flaming demagogs, insist on Negro domination in Africa simply because the Negroes are in the majority; how can they reconcile their demands for equal rights in the United States? It cannot be done.

Let us here in America, of whatever race, insist that the U.N. follow a course which is in the best interests of all our people.

ARTHUR M. ANDERSON: AMERICAN PATRIOT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Minnesota [Mr. LANGEN] is recognized for 15 minutes.

Mr. LANGEN. Mr. Speaker, the Treasurer of the Export-Import Bank of Washington retires today after 36 years

of devoted and distinguished Government service. He is Arthur M. Anderson, an American first, a native Minnesotan always. His life, one of selfless devotion to others, is truly a modern-day tale of Horatio Alger that should serve as an inspiration and a pattern for young America today. It is a distinct honor that I am included among his personal friends.

Arthur Anderson began his Government service in 1925 when he accepted a position as a receiver with the Comptroller of the Currency, Insolvent National Bank Division, Treasury Department, in Washington. For the next 22 years he was appointed to varying terms of service in liquidating and reorganizing national banks in North Dakota, Florida, Alabama, Kentucky, Ohio, and Indiana.

We talked to those who knew him during those years and discovered that he was a man who was known as an expert liquidator, who set a notable record through the highest degree of integrity and ability. As Griffith W. Garwood, Deputy Comptroller of the Currency, put it:

> Arthur is one of the finest gentlemen a man can know. He sets a great example for all Government employees.

Arthur Anderson's diligent efforts and attention to details in those years were exemplified by his work at the National Bank of Kentucky in Louisville, which was then the largest insolvent national bank in the United States. Two of the cases that resulted from Anderson's work there went all the way to the Supreme Court and favorable opinions resulted in subsequent judgments and collections of almost $5 million for the depositors of one bank. These concurring opinions represented high praise for the painstaking work of Arthur M. Anderson.

It was small wonder that his reputation gained in stature, so it was no surprise to his friends and colleagues that he joined the Export-Import Bank of Washington in 1948 as special assistant to the Executive Vice President. Soon afterward he became assistant treasurer and then treasurer, the post he leaves today.

The Export-Import Bank was a dream come true for Arthur Anderson; a dream he helped develop. It is the principal agency of the U.S. Government engaged in international finance. Anderson has trooped to Capitol Hill many times as the Export-Import Bank's expert in fiscal presentations before Banking and Currency Committees. He has seen his organization grow, but might be somewhat modest in appraising his role in providing that growth. But the Board of Directors was not as modest, and issued this resolution following their most recent meeting:

> Whereas Arthur M. Anderson, treasurer of the Export-Import Bank of Washington, after many years of faithful service to the Bank, has announced his decision to enter upon his well-earned retirement; and
>
> Whereas, the directors, officers, and staff of the Bank, in recognition of the many services performed by Mr. Anderson in promoting the efficiency of the Bank's operations and creating friends for the Bank in the executive, legislative, and administrative branches of the Government, as well as in the private banking community in the United States, desire to record their appreciation: Now, therefore, be it
>
> *Resolved*, That the directors, officers, and members of the staff of the Bank do hereby express and record their admiration and respect for Arthur M. Anderson and their appreciation for his many services performed for the Bank, and sincerely hope that the coming years will bring to him and to Mrs. Anderson every success and happiness; and be it further
>
> *Resolved*, That a certified copy of this resolution be transmitted to Mr. Arthur M. Anderson.

In introducing the Board's resolution, Mr. Tom Killefer, First Vice President of the Export-Import Bank, said:

> When thinking of the highest caliber career civil servants it has been our pleasure to work with, the name Arthur Anderson will always come to mind. For truly, Mr. Anderson exemplifies the best in workmanship and integrity to be found in the Federal service. No better tribute can be given than the man's own record as treasurer of the Export-Import Bank. In his years of tenure, literally billions of dollars of public funds used in the Bank's lending operations were accurately and scrupulously accounted for in Mr. Anderson's fiscal and accounting program. We are sorry to see Mr. Anderson terminate his Federal employment, but at the same time we wish him every happiness in his retirement.

Arthur M. Anderson has great pride in the Export-Import Bank; considers it a milestone in his career to have had the privilege of seeing it grow. The strength of its growth is evidenced by the fact that the Bank has earned $700 million for the U.S. Government during its 28-year history. It is hoped that it will continue to grow by the rigid, high standards that Mr. Anderson bequeathed it.

Perhaps Arthur's attitude toward the Bank was best described by his lovely wife Virginia—Arthur's bank reorganization work of earlier days also found him doing some personal reorganization of the life of Virginia M. Silvers, of Somerset and Lexington, Ky., whom he married in December of 1942. Mrs. Anderson says:

> In reality, I'm his second wife. His first is the Export-Import Bank.

But she says this with pride, knowing that his happiness continues to be hers as well.

What does it take to grow a man who merits the accolades of all? In terms of the vernacular, Arthur Anderson has come a long way from our mutually native Kittson County, Minn., but his roots remain deep in the rich black soil of the Red River Valley that was pioneered by hardy Scandinavian stock. Arthur tells you with pride that his father came from Sveg, Sweden, and his mother from Trysil, Norway. His recollections of his Minnesota boyhood have kept many an audience spellbound by the hour; tales that included the 23 years his father, Olaf J. Anderson, served as sheriff of Kittson County.

Anderson, the man, is a stately 6-foot 3-incher. His thick mop of striking white hair produces a disarmingly distinguished air that sometimes belies the twinkle in his eye that reveals the master storyteller.

One of his favorites is about Ole Olson, who was standing in an American immigration line after the long boat trip from the old country. It seems the man in front of Ole in the line had exactly the same name as Ole and promptly gave it to the customs inspector. Ole then informed the inspector that his name, too, was the "same thing." But Ole's Scandinavian accent was a bit thick, so Ole has been known ever since as "Sam Tang."

It is no joke, however, that immigrants like Ole begat giants like Arthur Anderson. Olaf and Mary Anderson saw to it that young Arthur graduated from the Hallock High School in 1910—completing the 4-year course in 3, and with honors. He immediately went to work in local banks, while continuing his education in his spare time, studying by kerosene lamp. He graduated in 1922 from the American Institute of Banking. The rest is an illustrious history of a man who worked hard and paid attention to detail.

His basic honesty and this same attention to detail are carried into his private life, too. Regardless of the long hours he spends with his work, he finds time to pen scores of notes to people across the Nation he has met. If he runs into a youngster from a family he has known, you can be sure the father and mother will receive a note letting them know their offspring is well and in good spirits.

On a weekend, his acquaintances may be a bit startled to see Arthur and Virginia Anderson scurrying up Sugar Loaf Mountain, picnic baskets in hand. This exhibition of vigor belies his 66 years, but strengthens his philosophy that a healthy body goes hand in hand with a healthy mind.

So here we have a man who has risen to what we many times refer to as "high places." He is there because he selflessly serves his God, his country, and his people. He lives every day for itself with an eye to the future. And he never forgets the names or the problems of his people back home.

With retirement comes another opportunity for Arthur Anderson, ex-treasurer of the Export-Import Bank. At last he will have the time he has always wanted for travel, a chance to observe the world of which he is so much a living part. I will be interested in sharing his observations.

One of the places he will visit is Kittson County, Minn., where the warmness of the friendly people will again renew the strength that has made Arthur Anderson a pillar among men.

His is a life of old-fashioned patriotism, the kind backed up by hard work and attention to duty, with a sense of humor. It is a blueprint for living that should serve as an inspiration to every citizen who believes in freedom. Not only America, but many nations throughout the world, are richer in dollars and principle today by virtue of this man's dedication.

Good luck, Arthur M. Anderson, American patriot.

Good luck, Virginia Anderson, his inspiration.

Mr. ANDERSEN of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. LANGEN. I yield.

Mr. ANDERSEN of Minnesota. I should like to join the gentleman from Minnesota [Mr. LANGEN] in his tribute to Mr. Arthur Anderson on his retirement. Mr. Anderson and his wife, Virginia, are wonderful people. They are members of our joint church, the Augustana Lutheran Church at 16th and V Streets NW. To me, Mr. Anderson represents the best that can possibly be had in career governmental employees.

Mr. LANGEN. I thank my colleague.

CAMPBELL SOUP CO. EXECUTIVE LOOKS AT GROWTH IN THE FOOD INDUSTRY

The SPEAKER pro tempore (Mr. ALBERT). Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 15 minutes.

Mr. PATMAN. Mr. Speaker, economic growth is a topic being discussed far and wide by forward-looking Americans. This great country will achieve its growth goals by teamwork among business, labor, and Government. Ours is a competitive free-enterprise system, the envy of all the free world. It is a proven success, and will continue to be, so long as we work together to achieve our objectives.

Leaders of our business community, of course, play an enormous role in achieving economic growth in America. One such leader of a great company operating in the free-enterprise system is Mr. W. B. Murphy, president of the Campbell Soup Co. Campbell Soup is, of course, one of America's oldest and proudest names in the food processing industry.

It was my distinct privilege to join with Mr. Murphy in the dedication of a new Campbell plant a year ago in Paris, Tex. Mr. Murphy is an enterprising businessman in the greatest tradition—one who not only espouses growth, but who also plays his part in seeing it realized in his own industry.

Mr. Murphy delivered an address on "Growth in the Food Industry," before the Sales Executives Club in New York City on March 27. This address is of such outstanding merit that I am incorporating it in full in the RECORD at this point:

GROWTH IN THE FOOD INDUSTRY

(Address by W. B. Murphy, president, Campbell Soup Co., given before the Sales Executives Club, New York, N.Y., March 27, 1962)

KEY POINTS

The food business is enormous—it's made up of a great many relatively small businesses; for example, the largest half dozen food processors do somewhat less than 10 percent of the total—it has a built-in consumer demand—it's easy to get into, but not as easy to stay in since losses can come suddenly and pile up at a rapid rate—it's subject to food fads, weather, politics, and Government controls of many kinds—it's fascinating and challenging—it needs lots of research of many kinds for its science is relatively unexplored and quite difficult—it ought to hold the highest fascination for scientifically inclined youngsters, but for the moment, space science is in the lead—and lastly, like many other industries, the misbehavior of a tiny minority causes headaches for the great majority.

One need only walk through a modern supermarket to judge the fierceness of the competition for the consumers' food dollars; but no matter how strong this competition, there are many examples of food companies that have a long record of growth based on consistently furnishing the consumer superior value.

About one-third of our business today comes from items we did not make 10 years ago and almost every product we make has been improved during that period. We have determined that had we chosen 10 years ago to follow a policy of standing still, without new products or product and process improvements, today our business would be in the red instead of in the black.

The first of these (less talked about ways of achieving business growth) is attention to the single unit. Our history has been built around the slogan that "every can contains our business reputation." Now, we produce billions of individual cans, packages, loaves, etc. But Mrs. Consumer opens a single package, prepares and then tastes it. Subconsciously or consciously she is judging the product, the brand name and the company. The business will make progress or not with that decision. So, you see, each single unit of a product is of vital importance to the health of a business.

There is no measuring service that one can buy to determine the effectiveness of word-of-mouth advertising, but it is probably the most potent form of advertising and it is also the kind of advertising that allows a superior quality product to be marketed with a relatively small amount of television, radio, publication, display or other form of paid advertising.

This same principle of giving attention to the individual unit is especially important in our dealings with people. For the same reason that we don't think of consumers as the mass market and individual farmers as the rural community, we don't think of hourly workers as a labor force or of management people as a supervisory organization, but rather we think of them as individuals, each of whom is important in the quality of his or her work and in his or her regard for the company.

The continued success of a company hinges in considerable part on the intangible of employee morale and effectiveness, which, in turn, depends on the attention paid to the individual.

We have our greatest successes when we build a high value into a product and then sell it at a modest marketing cost—leaning on this very effective and free word-of-mouth advertising to suppelement the moderate amount of paid advertising.

The housewife is a pretty sophisticated individual. Her eyes and her ears are the recipients of a tremendous number of advertising messages and are in the main quite keen and discerning.

GROWTH IN THE INDUSTRY

The title for this talk as you see it on the program was selected before I really tackled the job of preparing the talk. Now that it has been almost completed, I think I should tell you that the title has been changed to "Growth in the Food Industry." You can readily understand that since there is a close relationship between delivering sound values to the consumer and business growth, I suppose I really haven't changed the title very much.

Business health and growth are particularly important in the food industry where living conditions are quite hazardous, for a number of reasons, not the least of which is intense competition.

The food business is enormous—it's made up of a great many relatively small businesses; for example, the largest half dozen food processors do somewhat less than 10 percent of the total—it has a built-in consumer demand—it's easy to get into, but not as easy to stay in since losses can come suddenly and pile up at a rapid rate—it's subject to food fads, weather, politics, and Government controls of many kinds—it's fascinating and challenging—it needs lots of research of many kinds for its science is relatively unexplored and quite difficult—it ought to hold the highest fascination for scientifically inclined youngsters, but for the moment, space science is in the lead—and lastly, like many other industries, the misbehavior of a tiny minority causes headaches for the great majority.

A healthy business in the food industry means, as in any industry, an active state of development and a progressively better state of existence.

Growth in the food business, as measured in overall tonnage, can be predicted to a gnat's eyebrow by relating it to population growth. The number of calories required for the human body is well known.

If a food business is to live by that rule, it would be a dull thing. Fortunately, there are many other opportunities. The easiest and best known ways to business growth are through new trends or new products. But there are many other ways that are fruitful; less spectacular and require hard work, but nevertheless, excellent ways.

It's no trick for a business to move ahead when it is caught up in a rising trend, either cyclical in nature or because of a new product boom. These are generally considered to be the colorful growth situations, but there are many, many more opportunities not dependent on cycles or product booms. These opportunities present themselves to every department of a business and to my mind, are the most fascinating areas of business development.

It would not be difficult to reel off a long list of the places where almost any business can dig in to improve itself. I'll mention several of them for a consumer goods business such as ours and then deal in a little more detail with four areas that impress us as being especially interesting and fruitful.

Here are several ways that might well be included in any list for business growth:

Growth through competitive gains

One need only walk through a modern supermarket to judge the fierceness of the competition for the consumers' food dollars; but, no matter how strong this competition, there are many examples of food companies that have a long record of growth based on consistently furnishing the consumer superior value. On the other hand, the company that rests on its oars soon finds there are plenty of other companies waiting to take advantage of the slightest error, omission, or lack of activity. This may sound tough, but it's the way the food industry is, and this type of competition is an example of why the private enterprise system has driven our country to such heights. Let us only hope that the country's political leaders, so few of whom have had much business experience, will not kill off this driving force with their fascination for unnecessary Government controls.

New products

As I have mentioned, here is the great panacea. The manufacturer who doesn't try to develop new products will find himself in the same position as did the manufacturer of buggy wheels or bustles. Standing still is not a trait of the American businessman, I suppose, because the aggressive American manufacturer just doesn't wish to stand still. This is one of the great advantages of the American business system. It has its great rewards and it has its great penalties, and one of its penalties is that the manufacturer must be on his toes in the development of

new products and he had better be an innovator if he wants to make good profits, for the follower, the me-too manager, is in a rather unhappy position for the morale of his organization and for the morale of his stockholders.

Product improvements

This is a rich field and probably a larger field for growth opportunity at any given time than new products. If, through ingenuity and through product research, a noticeably better product can be developed—one which is liked better—we are bound to see business growth providing that the product improvement doesn't cost so much that we lose out in the all-important value measurement.

Incidentally, about one-third of our business today comes from items we did not make 10 years ago and almost every product we make has been improved during that period. We have determined that had we chosen 10 years ago to follow a policy of standing still, without new products or product and process improvements, today our business would be in the red instead of in the black.

Better ingredients as a growth factor

This applies especially to the food processor, but I suppose it might just as well apply to any manufacturer. Generally, a product is no better than its ingredients. This we know to be true in the food industry and this is why it is necessary to spend so much time in agricultural research for the development of better plant varieties and animal breeds through genetics and the development of superior cultural practices and better controls of disease and pests. For many crops, yields per acre have more than doubled over the past 10 years and are likely to double or more over the next decade. Better ingredients can mean more than just the growing of improved vegetables or grains or poultry or meat—it can also mean faster and better handling between the point of growing and the point of processing.

New ingredients

This is a relatively unheralded area for business growth. We have had pretty good luck finding little-used ingredients which have struck the public's fancy. They have enabled us to make products which represent a sizable volume to us. I would include here an ingredient such as okra, which we first had to switch around genetically in order to make it practical for our use. I would also include pink, black, and great northern beans, lentils, zucchinis, turkey in forms that have year-round appeal, mushrooms, and a number of other ingredients that have struck the public's fancy.

International expansion

Another method that is popular right now for expansion of a business is the development of foreign trade, either through direct exports or the setting-up of plants overseas. This is a whole topic in itself. The methods of going into business overseas are quite varied and none of them very easy because the living habits, work habits, and the business methods of most countries outside of North America are quite dissimilar from ours.

Better processing methods

Were this a meeting of production people instead of sales executives, it would be appropriate to devote a good deal of time to the importance of better processing methods. The development of new processes is a major factor in helping to hold and, in some cases, to reduce prices by reducing the man-hours required and in attaining greater product uniformity and in most cases, in improving product quality. Needless to say, we don't adopt any process unless it benefits quality.

One can get quite an argument from some labor union leaders and some educators as to whether technological improvements cause unemployment. This is a popular subject now under the term "automation" as it was in 1933 when it was called technocracy. One wonders when we'll learn that an improvement that increases value to the consumer increases total employment one way or another and does not decrease it. I should think that the ability to hold our price level for the past 10 years for most products has had a major effect on our sales and employment.

High organization morale and good personnel

There is no need to tell this group, who are concerned with personal selling, that one of the important ways to assure a healthy business growth is through the employment of superior personnel and the maintenance of high organization morale. Now I've mentioned eight different ways that one might think of in achieving business growth. There are a couple more and I would like to deal with them in a bit more detail, not because they are more important, but rather because they are just as important but possibly less talked about.

Attention to the single unit

The first of these is attention to the single unit. Our history has been built around the slogan that "every can contains our business reputation." Now, we produce billions of individual cans, packages, loaves, etc. But Mrs. Consumer opens a single package, prepares, and then tastes it. Subconsciously or consciously she is judging the product, the brand name, and the company. The business will make progress or not with that decision. So, you see, each single unit of a product is of vital importance to the health of a business.

The single unit is even more important since there is that enormous promotional force at work called word-of-mouth advertising. Now, there is no measuring service that no one can buy to determine the effectiveness of word-of-mouth advertising, but you and I know that it is probably the most potent form of advertising and it is also the kind of advertising that allows a superior quality product to be marketed with a relatively small amount of television, radio, publication, display or other form of paid advertising.

Each of our companies has undoubtedly had experience with products that have been placed on store shelves and which have begun to move in substantial volume before advertising appeared in print or on the air. This movement can only be due to the fact that when a product strikes a responsive chord with a consumer, the consumer tells others about it.

The first amendment to our Constitution guarantees freedom of speech within limits. It was not formulated with our marketing problems in mind, but certainly it works to our advantage by permitting word-of-mouth advertising and so not only helps to keep our marketing costs low for the products of superior value, but speeds up the demise of those products of inferior value. I talk here, of course, of those products whose quality can be detected by the consumer. There will always be a small fringe of products heralded for their miraculous traits which a few consumers accept blindly, but which, like the old-time tonics, were of merit mainly for psychological reasons, if at all. Fortunately, this is a small and generally short-lived fringe, although certainly not one to admire.

I hope I've established the fact that attention to the single unit in selling and in manufacturing is important to product quality and to company growth.

In the food business, one deals with single units of ingredients with this same careful attention since the finished product directly reflects the quality of the raw ingredients.

This same principle of giving attention to the individual unit is especially important in our dealings with people. For the same reason that we don't think of consumers as the mass market and individual farmers as the rural community, we don't think of hourly workers as a labor force or of management people as a supervisory organization, but rather we think of them as individuals, each of whom is important in the quality of his or her work and in his or her regard for the company. Every contact between a foreman and a worker brings a result that will have an effect on that worker and his performance.

No one with pride likes to be a small, unnoticed cog in a big wheel or an unimportant, minute part of a large, impersonal organization. Quite generally, today's business managers came up from the ranks and know what it is to start at a lowly position. The modern business manager takes pains to the end that the individual in the organization knows that he is recognized as an individual and that his performance is regarded as a vital part of the business. The continued success of a company hinges in considerable part on the intangible of employee morale and effectiveness, which, in turn, depends on the attention paid to the individual. I rather think there may be nothing more important in a business.

Knowledge of consumer wants

The second matter I wish to mention in some detail has to do with constantly attaining a greater and more up-to-date knowledge of what the consumer will want to buy.

This sounds easy—just ask her—but it's far from that simple. Witness the flood of new products moving into the market constantly—about 100 offered each week to food store buyers, alone. And then watch the high proportion of rejects and failures. Witness the number of spectacularly successful products that the consumer didn't know she wanted until they were offered to her and she tried them. We have a number in our own business: for example, V-8, "TV" brand frozen dinners, frozen puff pastry, turkey noodle soup, barbecue beans, and others. You can think of many such products in the home appliance field and, of course, the clothing designers live on the development of new things that strike the public fancy. The success of new products and new trends and product improvements is based on a good understanding of the consumer and his or her attitudes and wishes, but not, in most instances, on the things she knows she wants.

Furthermore, knowledge of the consumer will have a good deal to do with determining what the consumer reaction might be to a high price and high marketing cost basis versus a lower price and lower marketing cost.

We happen to be a bit prejudiced here because we have our greatest successes when we build a high value into a product and then sell it at a modest marketing cost—here again, leaning on this very effective and free word-of-mouth advertising to supplement the moderate amount of paid advertising.

There may be people who are geniuses at judging what the consumer will do with a new product or variation of an established product—we don't have such people, so we lean very heavily on product marketing tests and let the geniuses exercise their abilities in the area of thinking up new product and product improvement ideas and developing them up to the point of test marketing. Our faith in geniuses doesn't extend to the point of heavy investment in untested, large-scale marketing.

Testing is a form of learning the consumer's reaction to a product and using the results to determine carefully what his reaction will be as a buyer. It is not difficult to get a trial of a new product, but continued use is another thing and we must have a reasonable indication of continued use before it is safe to say we know enough about the future prospects of a product to gamble large appropriations for production and marketing.

Now, where will we get the ideas for new products and product improvements that will be successful. This is the hardest kind of work. In our organization, the ideas usually come from within our own group—from the people who have brains and who are imaginative and have keen powers of observation. These are the people who have the future welfare of the business as their deepest concern and who have ingenuity and sensitivity.

Of course, it is fairly easy to copy a competitor in a product idea, but that's a pretty thorny course unless one can outdo that competitor by a substantial margin in quality, value, packaging or in some other consumer-appealing way.

Those of you who are concerned with advertising creation know that knowledge of the consumer is necessary in advertising. In the food business, the advertisement had better talk straight and true since there's nothing easier for the housewife to check than a food advertisement or a package illustration.

We have learned that the housewife is a pretty sophisticated individual. We have also learned that her eyes and her ears are the recipients of a tremendous number of advertising messages and that these eyes and ears are in the main quite keen and discerning. Fortunately, in the food business, most of the advertising is of the high-grade type, both in truth of presentation and in effectiveness of the story.

Penetration: When a product has moved upward at a good rate for quite a few years and has a fairly high sales volume, it's probably natural to suppose that practically everybody in the United States, if not in Canada, is fully familiar with the product and is a more or less frequent user. So, it's somewhat of a shock to divide the sales by the population and then by the number of weeks in a year and find that the average per capita use is about once in every 2 months. (Incidentally, that would mean over a billion units consumed per year.) It's also somewhat startling to find that only 10 or 15 percent of the population are regular users and that over half have never tried it.

Now this doesn't hold for women's hairdo's or pointed shoes nor for the latest dance style—these things sweep through to almost perfect usage at a rate of speed that challenges the latest jet. But, for the more mundane things like foods, there is much time and a lot of selling involved in penetrating the market to the optimum point.

The advertisement so carefully and lovingly nurtured and admired by the agency and the client, except in rare cases, creates but few new convolutions in the aggregate consumer brain. It's no wonder that the advertiser sometimes tires of his theme before most of his audience has seen it and this applies to the average good advertising campaign. Once in a while a copy theme or a commercial or a manner of executing it will take hold to an amazing degree. A single page in one magazine for soup-on-the-rocks caught the fancy of an amazing number of people.

Another block in the path to a respectable degree of penetration is the consumer who knows all about the product but has never tried it. The ages-old methods of sampling and demonstration are as good as they ever were, but not so highly regarded now because they represent hard work and some cost.

And now to the last of the points for discussion—and the most important factor of all—delivering constantly improving values to the consumer.

How can this be done in these days of year-after-year wage and salary increases, of higher and higher taxes, local, State, and Federal, of higher and higher transportation, advertising, container, services costs? Well, there are ways and these ways cover a whole gamut of things. Earlier I said that improvements can be made in every department of a business to affect the values of our products. This is true. Here is a formula, colored necessarily by the business I know best.

An expanding agricultural research program to produce vastly higher farm yields and superior ingredients. Here is a key to many opportunities for delivering superior values to the consumer. This may sound at odds with the vast farm surpluses that have accumulated over the past decade or more. However, those surpluses apply to only about half of our agricultural crops and the surplus problem must be solved in some other way than by putting the brakes on scientific agricultural development if we are to keep the great world lead which our farmers now have. Greater farm yields per acre mean increased income to the well-operated farm and greater values to the consumer and this is the only sure path to sound economic growth in agriculture.

An enlarged nutrition research program to give us answers to help us better our products.

An expanded program of product development for a constant parade of new products, product improvements and packaging betterments.

A lot of money spent for new plants, favorably located, which to us means in the small towns in agricultural communities to siphon off the workers from the high-operating cost farms, an excellent source of superior plant personnel.

Less waste motion in plant and office. There's many a daily report that can just as well be a weekly report.

A sophisticated appraisal of marketing plans and expenditures. We all know that there is a tremendous difference in results from differing ways of selling a product, so here is an area to keep under constant vigilant surveillance. It is imperative over the long pull that marketing programs enable retailers and wholesalers to make a fair profit.

Most important is the caliber and morale of the people in the enterprise. Involved here are no featherbedding, no monkey business in labor relations—an organization of willing, able producers with proper incentives.

Pricing that is intended for a large volume and a relatively small margin, but over the long pull, for greater total dollar profits.

Over and above all, there must be the desire on the part of management at every level to deliver products of sound value and to constantly improve those values.

Now, accomplishing this by business in the aggregate means growth for business and for the economy of our country. But to accomplish this takes business success. Another name for this success is profits—the profits of private enterprise, saved and invested in the form of capital. Now, in that last sentence, I've mentioned several words that seem to have been given a slight tarnish lately. By some strange alchemy, some of our citizens have been brainwashed into thinking that the words capitalism, profits, private enterprise symbolize something bad, when those who are realists know that they are vital parts of our whole economy and together with a few other old-fashioned things like our Constitution and amendments are responsible for making this country the leader of the free world and the envy of the rest of the world.

I started out by talking about food and sound healthy business growth. I'll end by stating that I hope never to make a talk without praising the private enterprise, the profit, and the capitalistic system that are the basis of our amazing economy, including the largest single segment, the food industry.

UNIVERSITY OF BUFFALO SCHOOL OF PHARMACY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. DULSKI] is recognized for 15 minutes.

Mr. DULSKI. Mr. Speaker, last week I had the honor to give an address on the 75th anniversary of the University of Buffalo School of Pharmacy.

To participate in this celebration—the festival marking completion of 75 years for the second oldest school of my own university—is no ordinary homecoming; it is high event—one which I shall recall in the future with warmth and gratitude.

Seventy-five years. That is a time for taking stock—a time for family and friends to gather round, tell old stories, look at old photographs. I think it would be unseemly were we to neglect the ancient ritual, although the gods will, perhaps, pardon us if we keep one eye cocked to future greatness.

The history of the school of pharmacy is as intimately connected with that of the university as the university's history is tied with that of the city. A consideration of their collective past will serve to sharpen our appreciation of their present and perhaps help us perceive their significance for the future.

Buffalo, happily situated at the head of the Niagara River, and rich in natural resources, was settled by men of imagination and vigor. The promise this area initially offered was set on its path to fulfillment in 1679 when the first ship successfully navigated the Niagara to Lake Erie. During the succeeding centuries, that first trickle of activity along the Niagara has become today's mighty torrent of activity which has made Buffalo a natural funnel for east-west traffic, a major center of industry, marketing, education and transportation, and the world's leading inland port in dollar volume of commerce. The new home for repeated waves of immigrants as well, Buffalo has come to reflect the traditions, energies, and aspirations of its rich variety of citizens.

Joseph Ellicott laid out the first plan for the village of Buffalo, in 1804, which, by 1828 boasted 5 churches, a high school, 11 district and private schools, 2 other schools exclusively for young ladies, and 5 newspapers. The extraordinary energy of this rapid community development is indicated by the census of 1830 which counted a total population of 8,653. When the village became a city in 1832 the population had increased to 10,119. Only 4 years later, a university was being contemplated. The University of Western New York, incorporated with

high hopes on April 8, 1836, fell victim to the economic crisis of 1836–37; but on May 11, 1846, it came to life again when the State legislature granted a charter for the University of Buffalo.

It is a source of pride to all of us to realize that from the city's very beginning the business and industrial community has traditionally shown a strong interest in and sympathy for Buffalo's educational institutions. It is worth noting, however, that the failure of that first university foreshadowed the economic trials that its successor would encounter.

The attraction of Buffalo for men of science and medicine became evident in the 1830's and 1840's, and marked the beginning of a relationship which has benefited both profession and city.

The men of vision and determination responsible for founding the university included physicians as well as interested laymen, and it is not hard for us to imagine with what heat they debated the relative merits of medical school and full university. Interestingly enough, the physicians persuaded the other founders to attempt not only a medical school, but a university with powers as complete and diversified as those possessed by any in the land. On August 25, 1846, the newly elected University of Buffalo council established the faculty of medicine, with plans for schools of liberal arts, theology, and law, to be added as soon as practicable. With an established school of medicine and under the chancellorship of Millard Fillmore the University of Buffalo was finally launched upon a course that has proved to be illustrious.

The names of those who, from its beginning to the present, have served the university as chancellor and as members of the council are honored in the annals of this city and are testimony of the city's interest in the university. Of the original founders, we should remember in particular the names of Dr. Austin Flint, Dr. Frank H. Hamilton, and Dr. James P. White. These were only the first of many to bring honor and prestige to the university as well as the city.

Seventy-two students enrolled in the medical school of the new university in 1846. To the 17 who received their doctor of medicine diplomas the following year, Chancellor Fillmore addressed these words:

> These are the first fruits of this literary and scientific vineyard, and I trust they are only samples of a more abundant harvest that is to be annually gathered hereafter. If at the beginning any doubted the success of this enterprise, or thought the attempt premature, enough has now been done to dispel every doubt and allay every apprehension.

Quaint though the language may sound to us now, history has proved the soundness of the first chancellor's statement of faith.

Certainly the experience of the university's early years led Chancellor Fillmore to feel some apprehension about its future development. And with good reason. Neither the efforts put forth by the council, nor the few sporadic attempts by individual citizens were enough to secure public support for further expansion. Even the fervent appeals of Chancellor Fillmore, the eloquence of which still rings, were unavailing:

> Let me appeal to you on behalf of the University of Buffalo, your own darling child, bearing your own name, and stretching out its arms for your support. Will you see it perish, or will you step forward with true parental feelings and minister to its wants, and raise it from despondency to hope, from weakness to power, and from childhood to manhood?

For 40 years the medical school alone represented the university to the community, repeated attempts to establish additional schools being met with repeated failure. Buffalo seemed content with its "own darling child" as it was.

March 8, 1886, brought an end to this period of "childhood" with the founding of the school of pharmacy. In response to the growing demands on the city's pharmacists, the university's school was organized—further evidence of the influence town and gown have traditionally exerted upon each other. To staff its first school of pharmacy the university council appointed a five-man faculty, of which Dr. D. S. Kellicott, professor of microscopy, was chosen dean. The word "university" now began to acquire the significance with which it had been originally endowed—a significance due in no small measure to the fruitful 11-year tenure of the newly elected chancellor, Eben Carleton Sprague.

On September 20, 1886, with an enrollment of 38 students, the first session of the school of pharmacy was underway. The guest speaker for that notable occasion—Clay W. Holmes, secretary of the State pharmaceutical association—chose for his theme "The Nobility of Pharmacy as a Profession," and called attention to the new emphasis being placed on the distinction between the druggist and his more highly trained counterpart, the pharmacist. The new school of pharmacy was the first to make professional facilities available in this part of the country.

The only degree conferred up to 1897 was that of graduate in pharmacy, but in 1895 a master's degree was offered, followed by a graduate degree in pharmaceutical chemistry, and, in 1906, by a degree in analytical chemistry.

The inadequacy of the quarters in the medical school's old building for the first 5½ years of the pharmacy school's existence was alleviated by the completion of the new High Street building, into which it moved in 1892. In its new location, the fledgling school had room for expansion, and its faculty began to offer courses in language, geology, physics, and so forth—in effect anticipating the establishment in 1913 of the school of arts and sciences.

The excellence of its teachers, the broadening scope of its instruction, the growing number of its students, and—above all—the increasing importance of the profession itself—were the factors which insured the future of this school. Its progress since founding mirrors the progress of the profession which it serves. Though indications of the direction that progress would take were doubtless evident in 1886, no one then could have guessed that the school had been founded on the eve of a revolution. A revolution in medical and pharmaceutical research—one which vastly enlarged the scope of the profession and increased its service to humanity.

There comes to mind no historic parallels to this sudden mushrooming of successful attacks on health. The bright banner of this revolution is the spectacular achievement in research; the discoveries of new drugs are the weapons it has forged. Its army performs a vital function in the battle against disease. Its astonishing victories have demanded—and received—the best efforts of all the members of your profession.

In 1900 our life expectancy was 49; in 1961 it had increased to 70. There are 3 million Americans living now who would have died if the Nation's death rate had remained constant at its 1937 level.

A child born today can expect to live at least 10 years longer than a child born in 1930. Deaths in children 1 to 4 years old have declined by 80 percent. Deaths in children 5 to 14 years old have gone down 71 percent. Since 1930 pneumonia and influenza mortalities have decreased 68 percent; since World War II deaths from tuberculosis have gone down 80 percent.

Miracle is the word we rightly apply to these revolutionary drugs which can cure, prevent, and relieve disease.

Before this century, the hope to conquer disease had little to sustain it, but the discoveries of penicillin and sulfa some 30 years ago marked the first stages in the pharmaceutical surge forward which has changed this hope to belief. Additional discoveries have followed so rapidly that the belief in man's ultimate victory over disease has now become conviction. The conquest of such ancient scourges as cholera and plague, malaria and yellow fever, smallpox and polio are among the celebrated victories of the revolution. And there is every reason to expect that future discoveries will mean triumph over the great contemporary enemies of heart disease and cancer, mental illness, and arthritis.

The influence of this revolution on the pharmacist is clearly reflected in the changes which have occurred in the educational requirements of his profession. The skills demanded of the pharmacist today are far more complex than those expected of him a century ago. In 1920 a degree in pharmacy could be obtained in 2 years; in 1938 this was extended to 4 years, and the Ph. G. was changed to the bachelor of science in pharmacy.

Seventy-five years ago the school of pharmacy had a faculty of 5 and offered courses largely confined to pharmacy and chemistry; today the faculty has grown to 47 full and part time and the curriculum now includes courses in hospital and dispensing pharmacy, pharmacy marketing and management, drug product development, chemotherapy, photography, and biochemistry. As Prof. Laurence D. Lockie of this faculty has so aptly stated:

> Modern pharmacy has become so extensive that no individual now can become proficient in all its phases.

Medicinal chemistry is one of the newest of these phases. We can take particular pride on this 75th anniversary in the fact that our university was the first in the United States to include a department of medicinal chemistry. The school now offers graduate degree programs for a master of science in pharmacy or medicinal chemistry, and for a doctor of philosophy in medicinal chemistry.

Recent research grants for new projects are further evidence of the expanding scope of the school's program. Grants from the National Institutes of Health for the month of January 1962 alone came to $110,028.

The actual practice of pharmacy has also shown the influence of the pharmaceutical revolution, and pharmacies today are among the most flourishing enterprises in America. In 1939, prior to the wide availability of antibiotics, the total number of prescriptions filled was 166 million; in 1960, 634,362,000 prescriptions were filled by the Nation's 51,386 pharmacies.

In view of the tremendous influence of the pharmaceutical revolution in our own country, we cannot help but be interested in the effects it has had on others. It is intriguing to consider the broader political significance of this revolution in which you are engaged, and the ways in which your profession actively works for peace. The task of promoting health in today's world is one which requires the utmost effort from all of us—and one for which the importance of your profession is obvious.

There are already in existence many programs—national, international, and privately sponsored—which have dramatically demonstrated the contributions of pharmacy to the successful execution of this task. The World Health Organization, whose stated goal is "the attainment by all peoples of the highest possible level of health," would be drastically handicapped without the benefits of the products created by pharmaceutical research. Three of the organization's most ambitious programs would never have been possible: the TB vaccination program—in which more than 90 million have received the BCG vaccine; the campaign against venereal diseases and yaws—in which tens of millions have been cured with shots of penicillin; and the fight against polio—in which millions have been vaccinated. In the global war against disease these have truly been "shots felt round the world."

Of the privately sponsored programs for health, the one which comes most quickly to mind is Medico, now a service of CARE.

The brilliant success of Medico, organized in 1956 by Dr. Thomas A. Dooley and Dr. Peter Commandurus, in bringing medical aid to people in southeast Asia, affords another example of pharmacy in action. The pharmaceuticals donated to the organization by American drug firms were in great measure responsible for improving the health of those people. Without pharmaceuticals, it is unlikely that Medico's program could have been successfully continued.

Pharmacy, as an integral part of our programs for health, is also indispensable to the all-embracing program for peace. As Vice President JOHNSON has pointed out, the major problems of the world today can be summarized in three words: poverty, illiteracy, and disease. Invert these and they read health, education, and welfare.

In the continuing effort to solve these problems, we are counting heavily on the participation of the pharmacy profession. The responsibilities faced by those of you who have chosen this profession are many—but so are the rewards. We may even hope that some day your profession will be able to help fill the one prescription we all want most—the prescription for peace.

CHAIRMAN RAND DIXON OF THE FEDERAL TRADE COMMISSION GIVES U.S. BUSINESS NEW AND HELPFUL GUIDANCE

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. EVINS. Mr. Speaker, recent accomplishments and developments taking place down at the Federal Trade Commission are of such importance that I feel they should be brought to the attention of the Members of this body. I refer primarily to the announcement made by Chairman Dixon this morning that in the future anyone may request advice from the Commission as to whether a proposed course of action would be legal, and receive a reply that will be binding upon the Commission.

In this connection I would like to remind my colleagues that when President Woodrow Wilson asked the Congress to create the Federal Trade Commission, he mentioned that American businessmen "desire something more than that the menace of legal process in these matters be made explicit and intelligible. They desire the advice, the definite guidance and information which can be supplied by an administrative body, an interstate trade commission."

The Federal Trade Commission has now taken heed of this worthy advice and will make available to businessmen the advice and the definite guidance and the information that President Wilson envisioned nearly 50 years ago. In taking this action, the FTC, under the leadership of its forceful and forward-thinking Chairman, Mr. Paul Rand Dixon, has undertaken to carry out in full measure the purposes and intent that Congress had in mind when it created the agency.

For years the Commission has permitted its staff attorneys to supply opinions to businessmen, but these staff attorneys were always required to emphasize the fact that the views expressed were purely their own and were not in any way to be construed as the views or opinions of the Commission. Chairman Dixon, however, has taken the forthright action of telling the American businessman that the Commission—not its staff—will give him an answer and remove his doubts regarding the legality of proposed competitive courses of action.

During the year that Chairman Dixon has been Chairman of the Commission he has demonstrated in many other respects that his reputation as a natural born vigorous leader is fully merited. He has demonstrated that his decisions are controlled by his desire to protect the consuming public and to work cooperatively with American business.

During his administration the Commission has reorganized itself along functional, highly efficient lines, permitting it to operate as a smooth, well-organized agency of the Government. Moreover, the Commission has changed radically its trial procedures, with the result that long, drawn-out, time-consuming hearings have been speeded up. Chairman Dixon has made it clear that under his administration emphasis is to be placed upon the removal of unfair methods of competition by cooperating with business and by seeking industry-wide voluntary compliance with the law.

Recently, the New York Times characterized Rand Dixon as young, handsome, well-scrubbed, devout and a Tennessean. We may or may not agree with all of these assertions concerning Chairman Dixon but I do not hesitate to pay tribute to him for the revitalization and conversion of the Federal Trade Commission into a potent, helpful agency that assists and guides the businessman away from the paths of unfair competition.

Under unanimous consent I am inserting the excerpts from the Commission's new rules of procedure in the RECORD at this point:

ADVISORY OPINIONS

§ 1.91 Policy. It is the policy of the Commission to afford businessmen assistance in determining, in advance, whether a proposed course of action, if pursued, may violate any of the laws administered by the Commission, and, where practicable, to give them the benefit of the Commission's views.

§ 1.92 Conferences. Any person, partnership or corporation may request advice from the Commission as to whether a proposed course of action, if pursued, would probably violate any of the laws administered by the Commission. Such request for advice should be addressed to the Secretary and include full and complete information. Conferences with members of the Commission's staff may be held before or after submittal of the request. Submittals of additional information may be required.

§ 1.93 Advice. On the basis of the facts submitted, as well as other information available to the Commission, and, where practicable, the Commission will advise the requesting party whether or not the proposed course of action, if pursued, would be likely to result in further action by the Commission. Any advice given is without prejudice to the right of the Commission to reconsider the questions involved and, where the public interest requires, to rescind or revoke the advice, but information submitted will not be used as the basis for a proceeding against the requesting party without prior notice and opportunity afforded for such party to discontinue the course of action pursued in good faith in reliance upon the Commission's advice.

ESTES CASE

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, since it is apparent that the Agriculture Committee is not disposed to make a thorough and appropriate investigation of the Estes case and related matters, even though many members of that committee desire an investigation, I am introducing a resolution today calling for the establishment of an impartial, bipartisan House committee to investigate the current situation in the U.S. Department of Agriculture, with particular emphasis on the grain storage program.

The machinations of Billie Sol Estes suggest that a comprehensive investigation is needed. We must find out what has taken place. We determine whether or not persons within and outside of the Federal Government have been guilty of moral turpitude or criminal actions. If there is such guilt we must determine who is guilty.

In order to clear the air, in order to set things right, we must have a relentless but fair and impartial investigation. Political considerations and political vindictiveness must not be allowed to enter into this investigation. Mr. Speaker, every person affected adversely and otherwise, should have an opportunity to tell what they know about these matters.

We must have an investigation and it is for that reason that I introduce this resolution to the House and urge that all members support it. This is the only wise course. It is really the only way to determine the facts. The alternative is no investigation and, thus, no disclosure of the facts. This is, I am sure, totally unacceptable to all of us.

Mr. ANDERSEN of Minnesota. Mr. Speaker, will the gentleman yield?

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

Mr. ANDERSEN of Minnesota. Mr. Speaker, I want to say to the gentleman I am in wholehearted agreement with the gentleman and the course of action he proposes should be followed.

Mr. SCHWENGEL. I thank the gentleman.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman has expired.

PROHIBITION AGAINST LOBBYING WITH APPROPRIATED FUNDS

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. LIPSCOMB] may extend his remarks in the body of the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. LIPSCOMB. Mr. Speaker, it is apparent that the administration is going all out in its campaign to gain from Congress support for its legislative goals, many of which propose centering far-reaching powers in the hands of the President and the executive branch.

We are all aware of the tactics that are being used to sell the administration program to the Congress, including the barrage of letters, brochures, reports, folders, and other materials flooding congressional offices. So-called briefing sessions, for Members of Congress and aids, are being held in great number.

Unless meaningful action is taken, there seems little doubt that there is grave danger that individual rights and liberties in our Nation may be sacrificed on the altar of an all-powerful Federal Government. The forces at work to bring this about are dedicated and zealous.

I would like to discuss with the House today an example of just one of the pressure techniques employed. It is one concerning which, in my opinion, there are serious questions as to its legality under Federal law.

On March 31, I received from the Director of the Peace Corps an unsolicited letter, dated April 3, 1962, praising the accomplishments of the Peace Corps. The letter described the first year of activities of the Corps and requested support for Peace Corps legislation, both the bill to authorize continuation of the Peace Corps and the bill to provide funds, pending before the Congress.

Following is the text of that letter:

PEACE CORPS,
Washington, D.C., April 3, 1962.

Hon. GLENARD LIPSCOMB,
House of Representatives,
Washington, D.C.

DEAR MR. LIPSCOMB: Once again the Peace Corps is before the Congress for authorization and funds. The first year of operation has made it clear that the Peace Corps is not merely an experiment in international relations but a realistic and effective instrument in assisting the developing nations of the world and in training Americans for future leadership.

The Peace Corps received $30 million in its first fiscal year to bring approximately 5,000 volunteers on board by September 1962. The Peace Corps will accomplish this job, on schedule, in accordance with congressional approval, economically to taxpayers, and favorably to U.S. interests abroad.

We are now receiving more applications from qualified Americans than at any time during the past 12 months.

We are now receiving more requests from foreign countries than any of us expected last year. Every one of the countries to which the Peace Corps has sent volunteers has—on the basis of the work our men and women have already done—requested additional volunteers. Other countries are asking us to send far more volunteers than we can provide, and our budget request for the next year proposes a compromise number which we believe can be prudently managed.

The Foreign Affairs Committee has unanimously approved the Peace Corps' proposed legislation. We are asking authority to continue in service the first 5,000 volunteers and to bring in approximately the same number next year.

I hope you will support this request. If you have any questions about the Peace Corps before the House acts, I will be pleased to try to answer them—either by telephone or in your office.

Sincerely,

SARGENT SHRIVER,
Director.

I believe the preparation and sending of the Peace Corps letter was an activity prohibited under section 1913 of title 18 of the United States Code, which prohibits lobbying with appropriated funds under penalty of fine or imprisonment, or both.

Title 18, United States Code, section 1913, provides:

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment.

I, therefore, on April 2, 1962, wrote to the Comptroller General for his advice and comment on the matter.

In reply, the Comptroller General advised that appropriated funds were used for the preparation of the letter of the Peace Corps. With reference to the question of whether the law had been violated by the Peace Corps letter, he indicated that this was a question for the Department of Justice to decide.

My letter to the Comptroller General and his reply follow:

APRIL 2, 1962.

Hon. JOSEPH CAMPBELL,
Comptroller General of the United States,
General Accounting Office, Washington, D.C.

DEAR MR. CAMPBELL: Enclosed is a copy of a letter, dated April 3, 1962, from Director of the Peace Corps Robert Sargent Shriver, Jr., which I received on March 31, 1962. I did not request this communication.

I would respectfully request your opinion as to whether money appropriated by an enactment of Congress was used to pay for the sending of this letter. If so, and insofar as you deem it appropriate to the responsibilities and duties of your office, I would appreciate your advice as to whether the sending of this letter by the Peace Corps falls within the prohibitions of section 1913 of title 18, United States Code, pertaining to lobbying with appropriated moneys.

Your cooperation and assistance is appreciated.

Sincerely,

GLENARD P. LIPSCOMB,
Member of Congress.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., April 20, 1962.

B-145883.

Hon. GLENARD P. LIPSCOMB,
House of Representatives.

DEAR MR. LIPSCOMB: By letter of April 2, 1962, acknowledged April 3, you forwarded

a letter sent to you by the Director of the Peace Corps in which he generally extols the Peace Corps operation and expresses the hope that you will support legislation proposed to approximately double the level of Peace Corps activity in the coming year.

You point out that the Director's letter was unsolicited; and in view of the prohibition of section 1913 of title 18, United States Code, pertaining to lobbying with appropriated funds, you raise two questions: Whether appropriated moneys were used in sending the letter and, if so, whether the section 1913 prohibition has been violated. Section 1913 provides that:

"No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member of Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

"Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment."

We have ascertained that appropriated funds were used in preparing and mailing the letter in question and similar letters sent to other Representatives and Senators. However, with respect to whether these letters thus constitute violations of the statute here involved, we should point out that it is not within our authority to enforce the penal provisions of statutes. The statute contains fine and imprisonment provisions which are criminal in nature and which may be enforced only through judicial action.

Because of the penal provisions therein we do not believe it would be appropriate for us to consider whether the letters constitute violations of the statute. Rather, we believe the question involved is properly for consideration by the Department of Justice.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

Because there were certain questions remaining with regard to procedures followed concerning referral of matters of this type to the Department of Justice, I again, on April 20, 1962, addressed an inquiry to the Comptroller General, requesting to be further advised as to what procedures are followed when matters involving questions of possible violations of statutes containing penal provision are brought to his attention. The Comptroller General informed me that the question involving the Peace Corps letter had not been referred to the Department of Justice, and that if I did not wish to do so, the General Accounting Office would.

The text of my letter to the Comptroller General and his susequent reply are as follows:

APRIL 20, 1962.

Hon. JOSEPH CAMPBELL,
Comptroller General of the United States,
General Accounting Office,
Washington, D.C.

DEAR MR. CAMPBELL: This is in reference to your letter of April 20, 1962, in which you advise that a letter sent to me by the Director of the Peace Corps in which the Peace Corps' operation is extolled and the hope is expressed that I would support legislation in behalf of the Peace Corps was prepared through the use of appropriated funds.

With reference to my question as to whether the sending of the letter falls within the prohibition of section 1913 of title 18, United States Code, pertaining to the lobbying with public moneys, you indicate that it is not within the authority of the General Accounting Office to enforce the penal provisions of statutes and suggest that the question of whether the letter constitutes a violation of this statute is properly for consideration by the Department of Justice.

I would appreciate your advising me further in connection with my inquiry and your response. When a situation involving an expenditure of public funds and the question of its legality is brought to your attention, such as I have done in this matter in my letter to you of April 2, 1962, does the General Accounting Office, at least as a matter of its own internal operation, make a judgment as to whether it believes a violation of law has occurred? Then, if the GAO should be of the opinion that, for example, a statute containing penal provisions has been or is being violated, does it take steps to prevent further expenditures of funds for such purpose and advise the Department of Justice of its knowledge concerning a possible violation of such statute? Or if a penal statute is involved, does the GAO drop the matter?

What, if any, action has been taken by GAO concerning the instant situation beyond ascertaining that public funds were expended and replying to my inquiry?

Sincerely yours,

GLENARD P. LIPSCOMB,
Member of Congress.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., April 27, 1962.

B-145883.

Hon. GLENARD P. LIPSCOMB,
House of Representatives.

DEAR MR. LIPSCOMB: This is in response to your letter of April 20, 1962, concerning our reply to your prior inquiry as to whether a letter sent to you by the Director of the Peace Corps was prepared through the use of appropriated funds and, if so, whether the provisions of section 1913 of title 18, United States Code, were thereby violated.

By letter of April 20, 1962, we advised you that appropriated funds were used in preparing the letter in question and similar ones to other Congressmen but that the question whether section 1913 had been violated was for consideration by the Department of Justice, as the statute involved is criminal in nature and it is not within our authority to enforce the penal provisions of statutes. You now request that we further advise you with respect to the following specific questions:

"When a situation involving an expenditure of public funds and the question of its legality is brought to your attention, such as I have done in this matter in my letter to you of April 2, 1962, does the General Accounting Office, at least as a matter of its own internal operation, make a judgment as to whether it believes a violation of law has occurred? Then, if the GAO should be of the opinion that, for example, a statute containing penal provisions has been or is being violated, does it take steps to prevent further expenditures of funds for such purpose and advise the Department of Justice of its knowledge concerning a possible violation of such statute? Or if a penal statute is involved, does the GAO drop the matter?

"What, if any, action has been taken by GAO concerning the instant situation beyond ascertaining that public funds were expended and replying to my inquiry?"

It is the policy of the General Accounting Office to furnish promptly to the appropriate criminal law enforcement agency and the administrative agency involved information encountered in the performance of our functions which indicates that a Federal criminal law has been violated. Cases involving congressional interest are handled pursuant to specific instructions depending upon the arrangements made with the committee or individual member involved. The procedure to be followed is set forth in Comptroller General's Order No. 1.13, entitled "Policy and Procedures for Handling Information Indicating Violations of Federal Criminal Laws," a copy of which is enclosed for your information. In making a determination as to whether a matter should be referred to the appropriate criminal law enforcement agency, we confine ourselves solely to a determination as to whether the information available to us gives a reasonable cause to believe that a Federal criminal law has been violated. After referral we follow up with the law enforcement agency to ascertain the disposition of the matter, and depending upon such disposition take appropriate action in our audit.

In the instant case we confined our work to ascertaining that appropriated funds were utilized in preparing and sending the Peace Corps Director's letter to you. We did not refer the matter to the Department of Justice on the assumption that you might wish to do so yourself since you presented the information. However, we should have mentioned this point in our letter to you of April 20. We would appreciate it if you would advise us of your wishes. If you do not wish to refer the matter to the Department we will do so in accordance with our general practice. We will also inform the Peace Corps of the referral.

We trust that this letter furnishes a satisfactory response to your inquiry and we will await your further advice in the matter.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

Pursuant to the suggestions and the recomendations of the Comptroller General, on May 3, 1962, I wrote to Attorney General Kennedy setting forth the information furnished on this matter and requesting the Department of Justice to determine whether the preparation and sending of the Peace Corps letter constituted a violation of the statute in question.

The reply I received from the Department of Justice is very significant. It is also very disturbing.

My letter to the Attorney General, dated May 3, 1962, and the reply follow:

MAY 3, 1962.

Hon. ROBERT F. KENNEDY,
The Attorney General of the United States,
Department of Justice, Washington, D.C.

MY DEAR MR. ATTORNEY GENERAL: On March 31, 1962, I received an unsolicited let-

ter, dated April 3, 1962, copy enclosed, from the Director of the Peace Corps discussing the Peace Corps operation and requesting support for Peace Corps legislation pending before the Congress.

Because of my concern that this type of activity may run counter to prohibitions of section 1913 of title 18, United States Code, pertaining to lobying with appropriated funds, I directed an inquiry concerning this matter to the Comptroller General of the United States, Mr. Joseph Campbell.

For your information, I am enclosing a copy of the reply from Comptroller General Campbell, dated April 20, 1962, and a copy of a letter dated April 27, 1962, from the Comptroller General in response to my further inquiry in this regard. Also enclosed are copies of my inquiries to the Comptroller General.

As will be noted, Comptroller General Campbell indicated in the April 20, 1962 reply that appropriated funds were used in preparing and mailing the letter in question, and similar letters to other Members of Congress.

With reference to whether the preparation and sending of such letters constitutes a violation of section 1913 of title 18, United States Code, Comptroller General Campbell indicates the General Accounting Office believes the question is properly for consideration by the Department of Justice. Pursuant to the comments and suggestions offered by Mr. Campbell in his reply of April 27, 1962, I am herewith referring the matter to the Department of Justice, and request that the Department determine whether a violation of the statute cited above occurred in the preparation and sending of the letter.

Sincerely yours,

GLENARD P. LIPSCOMB,
Member of Congress.

DEPARTMENT OF JUSTICE,
Washington, D.C., May 10, 1962.

Hon. GLENARD P. LIPSCOMB,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: By letter dated May 3, 1962, with enclosures, you advised this Department that you and other Members of Congress have received an unsolicited letter from R. Sargent Shriver, Jr., Director of the Peace Corps, expressing the hope you would support Peace Corps legislation pending before Congress. The enclosure to your letter indicated you have been advised by the Comptroller General that appropriated funds were used in preparing and mailing the letters in question, and you requested that the Department determine whether a violation of 18 U.S.C. 1913, pertaining to lobbying with appropriated funds, was committed.

This matter has been fully considered and it is concluded that no violation of the statute occurred.

Personal contact with Members of Congress by executive officers are both sanctioned and required by article II, section 3 of the Constitution, which provides in significant part that the President "shall from time to time * * * recommend to their [Congress'] consideration such measures as he shall judge necessary and expedient." The power to recommend measures to Congress would appear clearly to comprehend and include the power to urge arguments upon individual Members of Congress in support of such measures. Necessarily the President must entrust part of this function to subordinate officers within the executive branch. Our Federal Government could not function efficiently if the President and his subordinates could not do so.

There is nothing in the legislative history to indicate any intent to prohibit bureau chiefs and department heads from communicating directly to Members of Congress the views of the administration in power concerning proposed legislation. Moreover, following the passage of 18 U.S.C. 1913, Congress has affirmatively recognized the need for such communications from representatives of the executive branch. For example, in 1949 the chairman of the House Select Committee on Lobbying Activities stated at the beginning of the committee's hearings:

"As I said in opening our previous sessions in this series of hearings, it is necessary in a democracy, for our citizens, individually or collectively, to seek to influence legislation. It is equally necessary for the executive branch of Government to be able to make its views known to Congress on all matters in which it has responsibilities, duties, and opinions. The executive agencies have a definite requirement to express views to Congress, to make suggestions, to request needed legislation, to draft proposed bills or amendments, and so on."

In view of the foregoing, the Department is of the opinion that 18 U.S.C. 1913 cannot be construed to preclude the head of an executive agency from using its facilities to address an unsolicited letter to Members of Congress with respect to pending legislation.

Sincerely,

HERBERT J. MILLER, Jr.,
Assistant Attorney General.

I invite careful attention to the Justice Department decision to the effect that the preparation and sending of the Peace Corps letter did not violate title 18, United States Code, section 1913. As far as I am concerned, the Department of Justice opinion is unconvincing.

To discuss briefly that opinion, it is of course generally understood with reference to the third paragraph of the Department letter, that executive officers in a general sense have a right and duty to contact Congress. Surely, however, such right is not without limitations. One needs to look only to section 1913 for a description of types of contacts which are allowed and certain activities which are specifically prohibited by law.

With regard to the next paragraph of the Department of Justice letter, as to whether the legislative history of title 18, United States Code, section 1913, does or does not clearly show an "intent to prohibit bureau chiefs and department heads for communicating directly to Members of Congress the views of the administration in power concerning proposed legislation," this is a good example, it seems to me, where it would have been very helpful to have referred to the terms of the statute itself for guidance.

While I wish to make clear that I question the Justice Department's interpretation of this statute and its application, I have today introduced a bill which would amend title 18, United States Code, section 1913, to make it clear that the prohibitions against lobbying with appropriated funds applies equally to bureau chiefs and department heads as well as to subordinates in Government agencies.

I believe there should be prompt action on this bill for obviously as the administration has interpreted this statute against lobbying with public funds, it has been rendered largely ineffective.

CENTENNIAL OF THE DEPARTMENT OF AGRICULTURE

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. SHRIVER] may extend his remarks in the body of the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. SHRIVER. Mr. Speaker, it was just 100 years ago today—May 15, 1862—that President Abraham Lincoln signed into law the congressional act which created a separate Department of Agriculture in the Federal Government. A few weeks later he signed the Morrill Act creating the land grant college system.

A Committee on Agriculture had been established in the House of Representatives in 1820 and in the Senate 5 years later but efforts on the part of the U.S. Agricultural Society and others to establish a Department of Agriculture in the Federal Government were unsuccessful until just 100 years ago. It was the U.S. Patent Office which carried on the investigations and issued the first governmental reports on agricultural matters.

By 1861, however, the Commissioner of Patents recognized that the Patent Office could not adequately serve agriculture, a calling which occupied over half of the people. He joined with others in urging the establishment of a separate Department of Agriculture "to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word."

The land-grant colleges, from their beginning in 1862, have been committed to the wide dissemination and use of scientific information. The enormously productive agriculture of the United States today rests directly upon the research and educational effectiveness of the land-grant colleges and the Department of Agriculture.

It was 17 years later—1889—before the Department of Agriculture was raised to Cabinet status. During that time the work of the Department expanded gradually. The statistical compilations of the Department on crop acreages and yields increased in comprehensiveness and accuracy. The forerunner of the Bureau of Animal Industry was established in 1883, when the Department undertook assistance to the States in their efforts to control animal diseases. Crop improvement work also was undertaken during this period.

In 1887 the Hatch Act was passed creating State agricultural experiment stations with financial assistance from the Federal Government. This led to a great expansion in the research programs of the land-grant colleges.

The work, activities, staff and budget of the Department of Agriculture expanded gradually during those early years. Its activities enjoyed the support of both political parties. "Tama

Jim" Wilson, of Iowa, was appointed Secretary of Agriculture by President McKinley in 1897, and he continued in that post for 16 years, serving Presidents Theodore Roosevelt and Taft as well as McKinley.

During World War I the Department of Agriculture took an active part in expanding food production and in improving its distribution. "Food will win the war" was a challenge to which both the Department and the farmers responded with vigor.

The war boom in crop production led to speculation in land and an overexpansion of production in relation to postwar markets. This caused the Department to shift its emphasis to marketing practice and cost reducing farm methods. More agricultural credit, cooperative marketing and lower freight rates were advanced by the Department of Agriculture as measures for easing the postwar economic pressures.

Continued unsatisfactory farm prices and incomes led to the passage of the Agricultural Marketing Act in 1929 and the creation, outside the Agriculture Department, of a Federal Farm Board to help farmers obtain better prices for their products.

The great depression of the 1930's caused the Board's $500 million revolving fund to disappear like a snowball on a hot kitchen stove. As a result of the failure of the Farm Board, new agricultural adjustment legislation was enacted in 1933 to be administered by the Department of Agriculture.

The period of the 1930's was highlighted by expansion of Federal control of agriculture and implemented by price support, marketing agreement, and adjustment programs designed to improve farm income.

Other significant agricultural developments during the 1930's included expansion of the research and educational activities of the Department of Agriculture. Four new regional research laboratories were established and a substantial beginning was made in research on the industrial utilization of farm products. Electricity was brought to farm homes by a new agency within the Department—the Rural Electrification Administration.

The Soil Conservation Service was established during this period to furnish technical assistance on soil conservation methods to operating farmers.

The land-grant colleges also made great strides during this period, improved the quality and size of their faculty and staff, and broadened the area of their activities.

Then came World War II and the food stocks and conservation reserves acquired under the previous price support, adjustment and conservation programs were mobilized by the Department of Agriculture to win the peace and blunt the ravages of widespread postwar famines.

In the past decade the research and educational resources of the land-grant colleges and the Department have been expanded greatly. In all parts of the country, farming efficiency has been improved to a significant extent. However, in spite of, or perhaps in part, because of the great improvement in the technical efficiency of farmers, farm surpluses, Government farm program costs, and the cost price squeeze on the farmer have reached record proportions. Regulations and controls have been increased in attempts to deal with these problems.

Thus, as we observe the centennial year of the Department of Agriculture we clearly note that the role of the Federal Government in relation to the farmers of this Nation has changed considerably. The technical assistance and educational functions for which the Department was originally created are today overshadowed by the Department's efforts to control agricultural production.

These efforts resulted in the Federal Government becoming the owner of over $9 billion in loans and surpluses by the beginning of 1961.

The farmer finds himself in a position of being forced to continue to look to Washington for his planting orders. He is told that the restoration of a free market situation would bring a searing farm depression.

Mr. Speaker, the State of Kansas plays a prominent part in the agricultural achievements of our Nation. Ranking sixth in the Nation as a farm State, Kansas produces far more wheat than any other State and many foreign countries. Kansas also leads the Nation in flour milling. Agriculture is a $4 billion business in Kansas.

We also are proud of the many contributions which our land-grant college, Kansas State University, has made to the progress of agriculture in our State and to the Nation.

It is, therefore, apparent why Kansans, including myself, are pleased to recognize this 100th anniversary of the creation of the Department of Agriculture.

It is my wish and my hope that they will prove to be as resourceful, as progressive, and as successful in meeting the current problems of the farmers who produce the food and fiber, and of the consumers of these products, as their predecessors were in the 100 years now ending. It also is my hope that they will be as successful in removing Government controls from agriculture in the next 100 years, as they have been in instituting them in the past 100 years.

EXECUTIVE POWERS TO PERMIT JUGGLING DEPARTMENT AND AGENCY FUNDS

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. JOHANSEN] may extend his remarks in the body of the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. JOHANSEN. Mr. Speaker, I am for the constitutional requirement that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law."

I am for protection of all such appropriations—or of any authorizations to spend or to borrow—so that no one in Government can divert the moneys involved to anything other than the purpose specified by Congress.

I am for the Federal guarantees which safeguard bank and savings and loan deposits—up to $10,000 per account—and I am for the existing financial underwriting of those guarantees—up to $3.750 billion in borrowing authority—even though, happily, it has never been necessary to use that borrowing power.

And so, being for all these things, I must now lapse into my sometimes criticized role of being against. I must do so because the things I am for are under direct and dangerous challenge.

As a part of the proposal for Presidential standby authority to accelerate public works programs in periods of depression or increased unemployment, Congress is now faced with the most brazen request for Executive fund-juggling authority in the Nation's history—and unnecessarily, since Congress is still around or subject to speedy summons.

The administration bills in both Houses include a provision which would authorize the President, as follows:

> In order to expedite financing activities under this act * * * during the existence of any capital improvement acceleration period [to] cause the unobligated balances of appropriations, contract authorizations, revolving funds, and other authorizations to expend from public or corporate debt receipts available to the departments and agencies of the executive branch, to be transferred to the appropriate accounts of such other departments and agencies 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.

The House Committee on Public Works has not yet acted on this bill. The corresponding committee of the other body has voted out a "modified" version, and debate on the proposal will start soon on the Senate floor.

The committee of the other body revolted, to a degree, against the provision quoted above. Senator CASE of South Dakota—who served on the House Appropriations Committee for 12 years before going to the Senate—called it the sloppiest and most irresponsible language I have ever seen proposed in any authorizing legislation.

Yet the supposedly improved version of the other body would still permit the President to draw on the borrowing authority of five specified Federal agencies for transfer of funds to this program. Among these are the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation. Thus this modified bill would still enable the Executive and the bureaucracy to get their hot little hands on the financial safeguards which guarantee the security of deposits and savings.

As the five signers of the minority views of the committee of the other body stated, regarding the revised bill:

What is proposed here is a transfer of the power of the purse from the legislative branch of Government to the Executive.

I have never before heard of any proposal to grant the Executive such powers to raid department and agency funds or borrowing authority created by Congress, or to indulge in such fund-juggling activities.

It is pointless to say that limits are set in the bill on the amounts which may thus be transferred. If the precedent is established, the floodgates are open.

It is not enough to dismiss the matter with a glib forecast that Congress will not grant such incredible powers to the President; indeed, one cannot be sure at this point that this will not happen.

Even if it were a positive certainty that Congress would reject such attempted usurpation, the ominous and incriminating fact remains that the executive branch has dared propose this broad, arbitrary power for itself.

Reluctantly, but unavoidably, I ask: "Upon what meat doth this our Caesar feed, That he is grown so great?"

HON. JOSEPH W. MARTIN, JR.

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MORSE] may extend his remarks in the body of the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. MORSE. Mr. Speaker, hundreds, indeed thousands, of men have served in this great House, but none has inspired greater respect, devotion and affection than has our distinguished colleague from the Commonwealth of Massachusetts, the beloved former Speaker of this body, JOE MARTIN. The qualities that have earned Speaker MARTIN such a high place in the regard of his colleagues have endeared him to millions of Americans.

The honors that have been accorded this great yet humble man bear eloquent testimony to his stature. Honors, indeed, are not new to JOE MARTIN, but I believe that of all the tributes he has received none have had greater meaning than that which was accorded him on Sunday, April 15, 1962, when the National Federation of Republican Women presented to the Congress of the United States a marble likeness of JOE MARTIN, executed by the noted sculptress, Mme. Suzanne Silvercruys, to be placed in the rotunda of the House Office Building.

Scores of JOE'S colleagues from both branches of the Congress joined with hundreds of Republican ladies from throughout our Nation in the presentation ceremony. In order that our colleagues who were not able to attend the ceremonies may share the sentiments of those who paid tribute to JOE on this notable occasion, I am incorporating at this point in the CONGRESSIONAL RECORD the program describing the ceremonies together with a record of the proceedings which was transcribed from a tape recording of the ceremonies contributed as a public service by Mr. Isaac Street, of Business and Social Recordings:

PRESENTATION BY THE NATIONAL FEDERATION OF REPUBLICAN WOMEN OF THE BUST OF THE HONORABLE JOSEPH W. MARTIN, JR., OF MASSACHUSETTS, IN THE CAUCUS ROOM OF THE OLD HOUSE OFFICE BUILDING, U.S. CAPITOL, WASHINGTON, D.C., SUNDAY, APRIL 15, 1962

SPEAKER MARTIN

The beloved JOSEPH WILLIAM MARTIN, JR., is honored today for his 50 years of service to his country—4 of them as Speaker of the House of Representatives.

Congressman MARTIN has lived his 77 years as the epitome of the American way. The eldest of eight children—his father a Scotch-English blacksmith, his mother of Irish descent—he was a newsboy at the age of 5 in North Attleboro, Mass., and a $10-a-week reporter by the time he was 18.

A graduate of North Attleboro High School, he is today the holder of a number of honorary doctorates. One is from Dartmouth College, where he helped to educate two of his younger brothers from his savings as a newspaperman.

At the age of 24, Mr. MARTIN became the youngest publisher of a daily newspaper in the United States. He is still publisher of the North Attleboro Evening Chronicle, and more recently of the Franklin Sentinel.

He was first elected to the Massachusetts House of Representatives at age 27. There he served on a joint committee under the chairmanship of Senator Calvin Coolidge. In 1917 he retired from the Massachusetts State Senate with the intention of devoting his future to business. Five years later he was drafted for further party service, and held the post of executive secretary of the Republican State committee until elected to the U.S. Congress in 1924.

As chairman of the national Republican congressional committee in 1937–38, his efforts contributed to the gain of 80 seats for the Republicans in 1938. He was promptly elected House minority leader. In this capacity, he served for 20 years, except for two terms as Speaker of the House of Representatives during the Republican-controlled 80th and 83d Congresses.

A member of the Republican National Committee from 1936 to 1940, he was chairman of the national committee during the Wendell Willkie campaign of 1940 and the following congressional election.

No man in history has presided over so many Republican National Conventions as the Honorable JOSEPH W. MARTIN, JR. He was permanent chairman of the convention five times, from 1940 through 1956.

When this ceremony is over, he will have the distinction of being the only living person with a statue in the rotunda of the Old House Office Building.

The National Federation of Republican Women, half a million strong in 50 States, is proud to dedicate this marble likeness to a great American.

THE SCULPTRESS

Mme. Suzanne Silvercruys (Mrs. Edward Stevenson), of North Windham, Conn., sculptress of the marble bust of the Honorable JOSEPH W. MARTIN, JR., is also a noted lecturer and painter. She came to the United States in 1915 from her native Belgium where she was born the daughter of Baron and Baroness Silvercruys. She became a naturalized citizen in 1922 and began her outstanding career as a sculptress in 1925.

Madame Silvercruys has been honored for public service with awards and decorations in the United States, Canada, England, France, and Belgium. Busts of government, military and other distinguished citizens of the world, executed by Mrs. Silvercruys, rest in the Metropolitan Museum, halls of justice, colleges, and public buildings around the globe.

PROGRAM

Mistress of ceremonies: Mrs. J. B. Parks, president, National Federation of Republican Women.

"The Star-Spangled Banner": Mr. Miles Branden; at the organ, Mr. I. Lee Potter.

Pledge of allegiance.

Invocation: Mrs. W. B. VerMeulen, chaplain, National Federation of Republican Women.

Delivery of the statue: Mme. Suzanne Silvercruys Stevenson, sculptress.

Unveiling of the statue: Mrs. Emory Ireland, president, Massachusetts Federation of Republican Women.

Tributes: The Honorable F. BRADFORD MORSE, Member of Congress, Massachusetts; the Honorable KATHERINE ST. GEORGE, Member of Congress, New York; SENATOR LEVERETT SALTONSTALL, Massachusetts; the Vice President of the United States, LYNDON B. JOHNSON.

Presentation of statue: Mrs. Carroll D. Kearns, past president, National Federation of Republican Women.

Acceptance of the statue: The Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives.

Response: The Honorable JOSEPH W. MARTIN, JR.

"The Lord's Prayer": Mr. Miles Branden.

Benediction: The Very Reverend Richard H. Sullivan, C.S.C., president, Stonehill College, North Easton, Mass.

THE STATUE

The board of directors of the National Federation of Republican Women decided in 1954 to honor Mr. MARTIN, who was then Speaker of the House for the 83d Congress, having previously been Speaker of the 80th Congress. The NFRW resolution to present a bust to the Nation was introduced by the Honorable Betty Farrington, of Hawaii, and was cosponsored by Mrs. Raymond Wheeler and Mrs. Beatrice Hancock Mullaney, both of Massachusetts.

Throughout the terms of Mrs. Carroll D. Kearns (1953–56) and Mrs. Peter Gibson (1957–60) as presidents of the National Federation, this project was continued. On March 3, 1961, under the presidency of Mrs. J. B. Parks, the board of directors voted to complete the project within a year, and commissioned Madame Silvercruys to prepare the likeness in blanc carrara marble.

By a resolution introduced by the Honorable F. BRADFORD MORSE, of Massachusetts, the Congress in 1961 agreed to accept the bust and to place it in the rotunda of the Old House Office Building along with the likenesses of other Speakers of the House.

The National Federation of Republican Women is grateful for the support and generosity of the State Federations and Republican Women's Clubs throughout the United States and for the hundreds of individual contributions it has received.

The efforts of Mrs. Emory Ireland, president of the Massachusetts Federation of Republican Women, have played a large part in the final realization of this project. Many other Massachusetts friends of Mr. MARTIN have helped. Among them are:

The Honorable Irene Thresher, the Honorable Beatrice Hancock Mullaney, Mrs. Raymond Wheeler, Mrs. Howard P. Claussen, Mrs. Joseph R. Sorenti, Mrs. Gerald Riley, Mrs. Joseph Gordon, Mrs. Marjory L. Hoyt, and Mrs. Bancroft B. Wheeler.

Members of the NFRW committee to honor JOSEPH W. MARTIN, JR. (1954–62):

The Honorable Betty Farrington, of Hawaii; Mrs. Carroll D. Kearns, of Pennsylvania; Mrs. Peter Gibson, of Michigan; Mrs. Richard M. Simpson, of Pennsylvania; Mrs. Katharine Kennedy Brown, of Ohio; Mrs. Jean Fuller, of California; Mrs. Lilias Lord, of Pennsylvania; Mrs. John Morrison Kerr, of Washington, D.C.; Mrs. Davis Elkins, of West Virginia, and Mrs. Ruth Gaddis Jeffries, of Arizona.

Honorary chairmen for the ceremony:

The Honorable Betty Farrington, Mrs. Carroll D. Kearns, Mrs. Peter Gibson, and Mrs. Emory Ireland.

General chairman: Mrs. William F. Burdick, of Washington, D.C.

Hostesses, executive committee, NFRW:

Mrs. J. B. Parks, of Colorado; Mrs. Dorothy A. Elston, of Delaware; Mrs. Ab Hermann, of Maryland; Mrs. Cecil C. Kenyon, of California; Mrs. Katherine K. Neuberger, of New Jersey; Mrs. John A. Whitehead, of Indiana; Mrs. R. D. O'Callaghan, of Texas; Mrs. Peter Gibson; Mrs. E. J. Hennings, of Iowa; Mrs. Ralph Lawson, Jr., of Rhode Island; and Mrs. W. W. Skeeters, of Utah.

Chairman, distinguished guests: Mrs. William S. Culbertson, of Washington, D.C.

THE TRANSCRIPT OF THE PROCEEDINGS

Mrs. J. B. PARKS (president of the National Federation of Republican Women). Mr. MARTIN, Mr. Speaker, honorable Members of the 87th Congress, distinguished participants, and all the friends of Mr. MARTIN, in the name of the National Federation of Republican Women, I greet you. We are indeed honored at your presence here today. For 8 years the National Federation of Republican Women has looked forward to this moment of tribute to an esteemed and a loved American.

Through the inspiration of Mrs. Joseph R. Farrington, who was then the immediate past president of the national federation, a resolution was adopted by the board of directors to place a likeness of Speaker MARTIN on Capitol Hill along with the other former Speakers. Mr. MARTIN's service in the House of Representatives dates back to March 4, 1925. Only four men in the present House, Mr. VINSON, Mr. CANNON, Mr. CELLER, and Mr. TABER, have served longer. Altogether, Mr. MARTIN has served in public life for over 50 years. As a poet has expressed it, "in perfect honor, perfect truth and gentleness to all mankind." It is a great privilege indeed to be here today to preside on this occasion. Members of the national federation in our 4,000 clubs are here to help you pay tribute to this great man. Especially are we proud of his splended leadership and untiring devotion to the girls in the Massachusetts Federation of Republican Women whose efforts are largely responsible for the happy culmination of this dedication today.

I would like to ask you to stand and we will sing the "Star-Spangled Banner" together. Remain standing for the invocation and the Pledge of Allegiance.

(The national anthem was sung by Mr. Richard A. Jacobs.)

Invocation, Mrs. W. B. VerMeullen, chaplain of the national federation: Our Father in heaven, we thank Thee for this occasion which brings us together to honor a man who has served this Nation for so many years. We thank Thee for his great devotion to duty, for the inspiration that he has been to all of us, and now we ask that Thy choicest blessings may rest upon him and that by Thy grace he may still be given many years to serve. And we would pause for a moment to remember this Nation which, with him, we love so well. We remember our great heritage and the priceless gift that is ours of being a free people—a gift that is being so eagerly sought by so many nations of the world. And we ask that we may also be aware that this great privilege carries with it great duties and responsibilities. May we never forget at how great a price our freedom was obtained, how great a price has been paid for it throughout the years, and how great a price is also going to be exacted from us if we will keep it, and hand it down to those who are to come. And now our Father, we pray that this Nation in its time of crisis and deep trouble may not falter, may not be overcome, that we may rise to the greatness of this hour of history in which we live and may we, under God, perform the duty that is ours so that we may fulfill our God-given destiny, and that this Nation may continue to be a nation which is a beacon of hope to all the nations of the world. This we ask in the name of Christ. Amen.

Mrs. PARKS. I have three messages which I would like to read at this time:

"I am delighted to share in the tribute to a universally beloved, respected and admired leader who long ago won the title, Mr. Republican, the Honorable JOSEPH W. MARTIN, JR. Few of us can ever know any person more beloved. He has been in public life and given freely of himself in the service of our Nation and the Republican Party, with each year leading to distinction. I salute this dedicated man as he completes this, his 50th year of devoted service to the people of the United States.

"DWIGHT D. EISENHOWER."

"Pat and I greatly appreciated the kind invitation of the National Federation of Republican Women for the presentation ceremony and reception in honor of JOE MARTIN on Sunday. I am sure you know how very much we wish we could be there with you to join personally in this richly deserved tribute to a great American and a valued friend. We would appreciate it if you would do the honors for us by sending our deepest compliments and kindest regards to JOE MARTIN as well as our warm greetings to all those participating in this very special and memorable occasion.

"With every good wish,

"Sincerely,

"DICK NIXON."

And the last one I shall read out of the many, many messages we have received:

"Though I cannot be with you personally, Mr. Speaker, I wish to add my personal greetings to those of your many friends assembled in Washington on this occasion. And as Governor on behalf of the 5 million inhabitants in the Commonwealth whom you continue to serve as you have served so well for so many years, I say simply but sincerely, thank you.

"JOHN A. VOLPE,
"Governor of Massachusetts."

At this time I am going to call on Mme. Suzanne Silvercruys Stevenson, the sculptress, who will deliver the statue.

Mrs. STEVENSON. Mrs. Parks, my model members of the Federation of Republican Women, sculptors as a rule are silent people. That is, probably men are, but women sometimes have their hearts so full of feelings that they have to express them in words. So today I want in these very few minutes to tell you the saga of a bust—that is, a portrait bust.

A few years ago I confided to my husband—that is, I would say 3 years ago, Mr. Speaker—that I would like very much to do the head of the Honorable JOSEPH W. MARTIN, Speaker of the Republican Party in the House of Representatives of the United States of America. And my husband—you know when a woman makes a wish generally a husband does something about it—went to the office of Mr. MARTIN and asked the office if Mr. MARTIN would pose for me. Somehow we were not able to arrange sittings and very soon I heard that Mrs. Emory Ireland of the Federation of Republican Women in Massachusetts had had the same idea. So we got together and somehow appointments were made. I arrived in Washington and I will tell you I was astounded when I walked into the office of Mr. MARTIN. I did not recognize him because his hair was all nicely arranged. And I confided to him that I did not recognize him but it didn't take very long for that lock of hair to come down so I could start to work. My husband to whom I had confided my dream in the meantime had been called away and somehow as I worked this head of JOE MARTIN something happened to me. I could not do anything wrong. Somehow my hands were held. I was supposed to have four sittings of 1 hour each and in two sittings it was practically finished. The office of Mr. MARTIN came in. They all seemed to be pleased and then all of a sudden I thought of my husband. And I thought if Ned were here he would now say, "This is the time for a picture." I had no sooner thought that than Mr. MARTIN looked right up and said, "I think this is a time for a picture," and that is the picture that is on the cover of the program today.

So you see I went back happy because after my husband had been called away I felt as if I could not do any more sculpture. But today I am here to turn over to Mrs. Ireland the bust that I made of Mr. MARTIN. I am going to let you in on a secret. It is not the finished product. It is not the marble that it will be—the blanc carrara marble from Italy. You see I have gone through agony to ecstasy. My agony was when I found out that a small crack in the marble had developed so we will have to start all over again. It will only be delayed and we will have two inaugurations.

Meanwhile, I want to thank Mrs. Parks and Mrs. Ireland and the Federation of Republican Women for the privilege they have given me. It is very rare in the life of a sculptor that you can do something that your heart feels you can do well because you love the person you are doing. And somehow to me JOE MARTIN represents everything that is fine in politics. He represents everything that is fine in Americanism. And so today, with gratitude, I present the bust first to Mrs. Ireland to present it later on to you all and I say thank you for that privilege to do a great American, a dedicated Republican, and a very great citizen.

Mrs. PARKS. And now the person to whom we feel especially indebted, the president of the Massachusetts Federation of Republican Women, Mrs. Emory Ireland.

Mrs. EMORY IRELAND. Madam President, Mr. MARTIN, and Mr. MARTIN's friends, today mine is the particularly pleasant privilege of accepting the statute from Madam Silvercruys and thanking her and congratulating her for this artistic creation. And I might say, in doing so, that she is a very difficult woman to follow to the podium.

Appreciation is also due to every member of the National Federation of Republican Women and to Republican women everywhere who worked so hard to make this tribute a reality, and stating it just as simply and as briefly as I can, our purpose in having this tribute created for the Honorable JOSEPH W. MARTIN, JR., was so that the statue would remind future generations of the esteem in which we held Mr. MARTIN and his service to his party and his State and to this Nation. We know that he will go down in history as one of this country's great men.

(Unveiling of statue.)

Mrs. PARKS. You wouldn't know but what Mr. MARTIN was up there on the pedestal himself, it is so lifelike—terrific.

There are many people who would like to pay tribute to Mr. MARTIN. Perhaps another person to whom we are most indebted for helping us accomplish this is the Congressman who presented the resolution to bring

about this occasion. At this time I want to introduce to you the Honorable F. BRADFORD MORSE, Representative from the Fifth Congressional District in Massachusetts.

Hon. F. BRADFORD MORSE. Thank you very much, Madam Chairman. Speaker MCCORMACK, Speaker MARTIN, Madame Silvercruys, my distinguished colleagues of the other body, my colleagues of the House of Representatives, ladies of the National Federation of Republican Women's Clubs, and all of you here today, friends of JOE MARTIN.

Dedicated is an overworked word these days, but certainly it has deserved application to the Speaker. Those of us who have been privileged to know him, and to work with him, have become acquainted with the qualities which have made him such an outstanding citizen throughout his life. I think it is fair to say that if humility and compassion are the qualities of greatness, JOE is great in every sense of the word. His life has given meaning to the noble and majestic purposes of the Republic. He who has stood as a model for Madame Silvercruys can stand as a model for all of us.

It is my great honor to be counted among Speaker MARTIN's friends. He is certainly the greatest of all Republicans; he is indeed one of the greatest of all Americans.

Mrs. PARKS. Thank you, Mr. MORSE.

The Honorable KATHERINE ST. GEORGE from the 28th District of New York.

Hon. KATHERINE ST. GEORGE. Madam President, Mr. Speaker, Speaker MARTIN, Senator SALTONSTALL, my colleagues of the House, and my friends of the Women's National Republican Federation, I think that I am here principally because I could be called a Martin alumnus. I came to Congress the year that Mr. MARTIN became Speaker of the House of Representatives and I can assure you that it was a great privilege and a great honor to serve under such a man. Not only was he an example to us, but he was always kind and always understanding and I need hardly tell my colleagues here that a freshman Congressman is like a freshman anywhere else—about the lowest form of animal life. And so I, for one, certainly appreciated the Speaker's kindness to me, his help to me, and the things that I learned from him.

As Mr. MORSE has told you, he was an example. He is an example. He is not only an example, but he is something that we as Americans can all be proud of because he is a product of our country. He is one of us but he is one of the best of us. And it is particularly fitting for this group of women, this dedicated group of Republican women, should have been the ones who have arranged and who have pressed to have this fine statue done by a great woman and a great artist to be placed in this rotunda. And Speaker Martin will be the only living person whose statue is in the rotunda, so that makes it another first. And he certainly deserves it. The other day I was leafing through a book written by a politician and he said this and I think it is very true and I think Speaker Martin will agree with it: "The best advice I can give to those planning to run for public office is simply this. Get a group of dedicated women committed to you and working for you and you have it made." These dedicated women have always been devoted to Speaker MARTIN. They have worked for him and they have worked with him and they will continue to do so, Mr. Speaker, because to me you will always be my Speaker.

Mrs. PARKS. Senator LEVERETT SALTONSTALL, the distinguished Senator from the State of Massachusetts.

Hon. LEVERETT SALTONSTALL. Mrs. Parks, Mr. Martin, Speaker McCormack, my colleagues in the House and Senate, and friends of Joe Martin, I particularly refer to all the Republican leadership of the House who are sitting on Joe's right and the leadership in the Senate represented by Senator KEATING. We are all here, JOE, to do tribute to you today.

I think that I have known JOE for over 40 years, and yet he always surprises me. Mrs. ST. GEORGE just said get the ladies to work for you, to stay with you, and you will always win. That is what JOE has done but he has never let any one lady get close enough to him to. [Laughter.] And then, JOE, you are a constant surprise. Mrs. Stevenson called you her model, and Mrs. Ireland gave you a buss and a hug. Now I don't know how many more ladies are going to do that to you this afternoon.

But I have known JOE for over 40 years. I think the thing that appealed to me the most in the man who has been five times the presiding officer at the Republican National Convention, who has been the Speaker of the House of Representatives and who has been the minority leader in the House of Representatives for a great many years when he wasn't the Speaker—that he was always a simple Massachusetts Congressman who never forgot his district, who visited each year the post offices in all the towns of his district, who always came to the House of Representatives and to the Statehouse to make sure that he kept up his friendships with those men who were in the house and the senate at home. I recall that pretty nearly every year that I was in the Speaker's chair—8 years—that JOE always came up and sat beside me and spent an afternoon speaking to the various Members of the House and renewing his acquaintances and friendships with them and discussing their problems.

And the fact that he has been so successful in politics is because he loves people.

He studies their problems and I can wager you that even today he knows and can tell you the personal problems, the personal desires and the personal difficulties in the districts of practically every Republican and Democrat in the House of Representatives—all 435 of them. That is why JOE has been so successful.

We can be proud in Massachusetts, too, of the fact that we have in him a man who gave up any thoughts of higher education for himself in order that he might send his brothers to school and to college, and that is just what he did, becoming a newspaperman in the very early years, and owning a newspaper when he was still a young man. He made enough money until he went into politics, to be able to send his brothers and sisters to school and give them a higher education.

Through all his life, too, he supported, lived with, and made a home for his mother and for his sister. So he has had a good home life.

He has had a simple existence with all the honors that have been given to him and have come his way because of the respect with which people hold him. That is the type of man that we want. Now JOE may not have the great oratorical ability of some but he certainly, like his predecessor in politics, Cal Coolidge, can express himself in a very simple, practical way and put his point across. I recall very well in the years that I was honored to sit with him in the Cabinet room in the White House when President Eisenhower had us meet with him every Tuesday discussing the difficulties we were having about patronage; JOE's simple remark was: "Let's forget it. It isn't going to do us any good. I had just one man that I wanted to be made a postmaster in my district and, Mr. President, you named somebody else for the job." So that patronage is not something that in JOE's opinion made him a good representative or a good leader in his district.

So, JOE, in this bust of you that will soon be placed in this room, in the days to come we can all think when we look at it of you, a simple man who has made good not only in his own home district but in the whole country as a man whom people can trust, a man whom they like, and a man who knows their problems and is willing to try and take the time to discuss their questions with them. That is what makes us in Massachusetts so proud to be with you here today.

Mrs. PARKS. We regret very much that the Vice President, LYNDON JOHNSON, was out of town and was unable to get back in time for this ceremony.

The following message was received from the Honorable LYNDON JOHNSON, Vice President of the United States:

Throughout our history, our Nation's Vice Presidents have had a tendency—after leaving office—to take up their pens and start writing.

I spent some time one night recently reading the writings of one former Vice President who served under a popular General who will always be remembered as one of our greatest Presidents. The Vice President to whom I refer is—as I am sure you Republican ladies are thinking of, too—John Adams, who served under George Washington.

In later years, John Adams, our first Vice President, became great friends with the Nation's second Vice President, Thomas Jefferson. The two men spent their later years exchanging correspondence, and in one exchange, Thomas Jefferson asked John Adams: "Would you agree to live your 80 years over again forever?"

The gentleman from Massachusetts replied in these words: "I can speak for only one. I have had more comfort than distress, more pleasure than pain, 10 to 1; if you please, 100 to 1."

Our good friend—my beloved colleague and counselor for so many years—JOE MARTIN is still on the sunny side of 80 years. But, I suspect that if the same question were put to him now he would answer in much the same spirit as our Nation's first great statesman from Massachusetts.

Out of a career of dedication and devotion to the public good, JOE MARTIN can enjoy now the matchless satisfaction of great pleasure and pride in having served his times and his fellow man faithfully and well.

One of the great institutions of the free world is the Congress of the United States. In the middle years of this tumultuous 20th century—when the survival of the free world has been continuously at stake—no institution has served freedom so well as has our Congress. On the list of men most directly responsible for that constructive service—everyone would place the name of Mr. Democrat, Sam Rayburn—and the name of his Republican counterpart in office, in dignity, and in patriotism—JOE MARTIN.

I count it to be one of God's blessings to our country that these two men—both of humble origins, each with no ambition higher than to serve his country and its people, both with nobility in their hearts and steel in their spines—should have been contemporaries as leaders in this Republic's most difficult years of trial.

In this context it is especially fitting to recall some other words from John Adams, who wrote:

"While all other sciences have advanced, that of Government is at a stand; little better understood, little better practiced now than 3,000 or 4,000 years ago. What is the reason? I say, parties and factions will not suffer improvements to be made. As soon as one man hints at an improvement his rival opposes it. No sooner has one party discovered or invented an amelioration of the condition of men, or the order of society, than the opposite party belies it, misconstrues it, misrepresents it, ridicules it, insults it, and persecutes it."

In Adams' time and through many years of our Nation's history until the present, this was true. I like to believe—I do believe with all my heart—that within the past decade

this has ceased to be so much of the case as it once was.

Here in the United States, and most especially of the Congress of the United States, the science of government has made progress forward. Parties and factions have suffered improvements to be made. I like to call this not moderation, certainly not compromise, most emphatically not surrender—but, rather, responsibility.

Our parties and our factions have matured to meet the challenges of our common danger and mutual opportunities. We have come to recognize that the worth of a party must be measured not by how it serves its own interest, but by how its conduct serves the higher aims of the Nation and the alliance of free men.

Out of both parties there has come this spirit of unselfish responsibility. Individual men have, at times, suffered misunderstanding, endured criticism, and sacrificed personal gains by manifesting the courage to be more responsible than partisan. Whatever any of them may have lost for the moment, it will be restored tenfold—or, as Adams would have said, nay, hundredfold—in the longer judgment of history.

Of such men, no man will receive more deserved honor—few will receive so much—as the man who served his party as leader, his country as Speaker, and the cause of freedom as patriot—JOSEPH MARTIN.

Not as a Democrat but as an admiring fellow American I join you in saluting him—and wishing for him the blessings his labors have so richly earned.

Mrs. PARKS. We have another disappointment. Mrs. Carroll D. Kearns, who was to have been here today and under whose presidency the original resolution was put before the board to start this project, was also unable to get down from Pennsylvania.

But we are also delighted that Mrs. Joseph R. Farrington, a former president of the national federation and formerly a Member of the Congress, came in from Hawaii today because of her dedication to JOE MARTIN and because of the many things that she has gone through to see that this came about. She came in just yesterday from Hawaii and we are delighted that she can participate in this presentation—Mrs. Joseph R. Farrington.

Mrs. JOSEPH R. FARRINGTON. Mr. Speaker, this is a privilege that I scarcely deserve. I am merely the voice of the dedicated women who are here today to present this statue to the Congerss. But the idea was conceived some few years ago I believe when a few of us, many of us over the Nation, were working with our devoted servants in the Congress of the United States and occasionally we'd tramp these marble corridors and see the statues of our leaders, our statesmen of the past, and it suddenly occurred to us—Why couldn't we express our devotion and appreciation of the good works of the living as well as the departed? And so it was in that spirit that we went to some Members of the Congress and suggested we might do this. We were well aware of that inscription at the National Archives, "The Past Is Prolog," and we knew that when this great day came about and we were able to present the statue it would only be the beginning of the good deeds of the last of life for which the first is made.

And it is in that spirit, Mr. Speaker, that in behalf of the National Federation of Republican Women I present this statue of the Honorable JOSEPH W. MARTIN, JR., to the Congress, to the U.S. House of Representatives.

(Mrs. Parks then introduced the Speaker of the House of Representatives.)

Hon. JOHN W. MCCORMACK. Mrs. Farrington, Mrs. Parks, Reverend Father, my distinguished colleagues of both branches of the Congress, other officers and members of the National Federation of Republican Women, and all Democrats who are present—there are many here—and ladies and gentlemen, and friends, I am highly honored to occupy the position that I do on this particular and memorable occasion. I am honored from two angles: the official angle as Speaker, the personal angle as JOHN MCCORMACK. In both capacities I accept this statue, this bust, congratulating the talented sculptress for her lifelike reproduction—I accept this bust in the name of all of my colleagues in the National House of Representatives.

When I first came to Congress 34 years ago, one of the first whom I met was JOE MARTIN. Mrs. ST. GEORGE referred to the problems and the plight of a freshman Member of the Congress. When I met JOE MARTIN I didn't go through that. I met a friend of warmth, a friend of guidance, and one who inspired me. Throughout the years there has been a very close personal friendship between Speaker MARTIN and not only JOHN MCCORMACK, but Harriet McCormack who is sitting right here in the front row—Mrs. McCormack. We have for JOE MARTIN something more than friendship; we have esteem and affection, and I might say that friendship and respect transcends political considerations. The middle aisle in the House of Representatives that divides both parties is meaningless where friends are involved. When the friends on either side have their moments of happiness, their friends of the opposite party are happy, and when friends on one side are in distress, friends on the other side rally to their cause.

So from the twofold angle, as Speaker officially accepting this bust of our distinguished friend, Speaker MARTIN, and from the personal angle, it brings great pleasure to me. The other speakers have referred to our distinguished friend, Speaker MARTIN, and once a Speaker to me always a Speaker.

I think this distinguished sculptress stole the show. She left little for any of us to say, but she spoke from the heart. JOE MARTIN represents the spirit of America. His life has been like a Horatio Alger story. Senator SALTONSTALL has made reference to it. A newsboy at 5 years of age—that's pretty young. I was a little older, JOE. A reporter when he was 18 years of age. The owner and publisher of a newspaper at 24—the youngest publisher in the country of a daily newspaper at 24 years of age. Still the owner of that newspaper and an additional one. Over 50 years of honorable and trustworthy public service. What a life. Humble, as has been mentioned, yes. One who has a love of his fellow men and fellow human beings. That is the strength of a great mind, and the strength of Speaker MARTIN is his love of his fellow men, because I always believe that the first commandment, love of God, is shown by the manner in which we carry out the second commandment, love of neighbor. I call the second commandment the love of action and JOE MARTIN has certainly symbolized that to the maximum extent humanly possible. He is not only a great American but he is a great man and a good man.

Mr. Republican, he preempts that. Everyone concedes his loyalty to his party, but as a legislator he has had that refreshing outlook, that forward-looking outlook, that discerning mind, that penetrating mind, always having uppermost in his mind the national interest of our country and the best interests of our people. JOE MARTIN is one who can disagree with another without being disagreeable—a man of strong views but a man of a tolerant and understanding mind, a man who realizes that we are all human beings without regard to race, color, or creed, and a man in his associations with his fellowmen who exemplifies the noblest traits that can be possessed by any human being.

As a legislator, JOE MARTIN has played a very important part in the life and history of our country and as has well been said, he will occupy prominent pages in the history of our country and go down as one of the great Americans of all time.

We are living in a trying period of the world's history. It didn't start today; it started back 40–50 years ago. How much longer it will go, who knows? But in this trying period of the world's history JOE MARTIN has always been on the side of strength; strong national defense for our country, and a firm foreign policy. Whenever any action or vote has come up in the National House of Representatives, in the Congress of the United States, involving the national interest of our country, we don't vote as Democrats or Republicans. We vote as Americans and JOE MARTIN, as Speaker, as leader, as a Member of the Congress, without regard to whether the man in the White House was elected as a Democrat or a Republican, where the national interest of our country was involved, was always in the vanguard leading the fight for the best interests and the national interests of our country.

So we are gathered here today to honor a wonderful man; one, like ourselves, a human being, and one possessed of those intangibles that make a man great. Those intangibles, the deeper things of life, the spirit that permeates and conveys to others, that make an individual great. We are here to honor this humble man but this truly great man, and we are here to honor not only a loyal member of his political party, but greater than that, greater than JOHN MCCORMACK being a loyal member of the Democratic Party if people characterize me as such, greater than that—we are here to honor JOE MARTIN, one of the great Americans of all time.

(Mr. Parks Preu introduced Mr. MARTIN.)

Hon. JOSEPH W. MARTIN, JR. Mr. Speaker, Madam Chairman, my distinguished colleagues, and my sculptress, friends, when Madame Silvercruys was telling about how she got me to sit, there was a part she didn't mention. I asked her—what are you going to do with this after you get this sculpture job done? How are you going to proceed? Well she said, "First, I'm going to plaster you." Well, I said that's going to be some job. Many people have been trying to get me plastered for years but none of them have succeeded yet. Then she said, "I'm going to reduce you to marble." I could see how she could do that very readily because a good many people say I'm a man of stone. So I could see how she might be successful in the stone act but I could not understand the plaster business.

I rise today with mixed emotions. First I appreciate very deeply the 500,000 Republican women who have made this statue possible. I appreciate the women, not only of Massachusetts, but throughout the country, who were able to bring about this project. And yet, there is a note of sadness, too, with it all. I can't help thinking as I stand here and look at this marble statue that I am plodding along the path and getting close to the end of the road. So it does bring a little twinge of sadness.

But don't let anyone get discouraged. The good father at the luncheon of the Massachusetts delegation said: "I wish you'd live for 25 years." Well, I'm going to, I think, because I never felt better in my life than I do at this very minute. I have no aches, sleep soundly and enjoy myself, and as long as I do, I ought to be able to put in at least another 25 years.

But seriously, I am grateful to these women and I am grateful to be placed in the company of the men whose statues adorn this hall because every one of them has been a dedicated American; men who have rendered real service to our great country so that it might bring about a better and happier life for all our people. And so I am delighted to be in that select company.

I wish I could convince myself that it was deserved.

I agree with my good friend, Speaker McCormack, that in our life here, in our legislative life, there are many headaches and many involved problems always demanding our attention. I think the thing I liked best of all—because I once occupied the job he now holds—was the office of Speaker. I think it is one of the greatest and most important offices in the world. To me, the Speaker is of great importance because he has more personal influence and in some ways more effect upon our national life than even the President.

So I think I am here today because I am the only ex-Speaker around here, and of course, the Republicans would naturally get enthused that I have been the only Republican Speaker in 30 years, and they still hope that some day they will get another one.

I want to thank all my friends for their kind words. They shall always be remembered as coming from real friends.

I believe sincerely that every man and woman in this country should dedicate his services to our country. I think for the most part, we in the House do. I am not going to speak for the Senate. Senators Saltonstall and Smith can speak for themselves. But really I think that the people who come from the country to either branch of the Congress desire to render a real, unselfish service and want to do what is best for their country.

If one doesn't come with that purpose, he doesn't stay too long because the people are discerning and they can and do size up a Representative quickly. In the days ahead of us, we want more younger men and women to come with the enthusiasm to build a better America. I am an optimist on the future of our country. I don't believe we will go to war and I don't believe we are going to slip backward. I believe in America. I believe in the principles of America, and surely we have the intelligence to do those things that will make us secure and go forward together.

Yes, I am a Republican and have always been. But I think all of us, regardless of party, are dedicated to the single purpose of building and improving our land. Sometimes we have to do things we don't like to do; sometimes we are going to be misunderstood, mistakenly so, perhaps. But good people of all parties working together make America. Two strong parties, convinced of the rightness of their cause, with full tolerance of the views of the other, give us good government. That is what makes America live and win the esteem of the world.

So, Madame Stevenson, I am glad you succeeded in winning me over that afternoon to have this statue made. I hope it will be an inspiration to some of the young people of the country because the task ahead of them is so terrific and so important. We have got to inspire the young people eagerly entering upon political careers with the knowledge that if they do their jobs honestly and conscientiously they will be rewarded by the gratitude of the people when they come to the end of the road.

The greatest joy I get out of public life is the knowledge that it has been possible to help a great many people in little ways that are of great importance to them. To give someone in difficulty a helping hand has always been a real thrill indeed.

Now I will let you in on a little secret. I was going to quit the Congress 2 years ago, but my doctor came to me and said: "What are you getting out of Congress for? What are you going to do?" Well, I said I own a couple of newspapers, I'm a director of a couple of banks, and I'm trustee of a college." The doctor said: "You don't give a damn about those things. You've been on a hot spot for 50 years; take you off that hot spot and you won't live 2 years." Well, I got to thinking it over and I said I guess the man's right. So I decided I would continue to go to Congress and I'm glad I did because the decision was the right one.

This service gives me the opportunity to do the things which I like to do. That is the secret of happiness and contentment and I have a full measure of both. I believe the good Lord, in bestowing His blessings upon individuals, bestowed upon me the blessing of renewed health and vigor. I was never better and seldom get tired from a hard day's work. There were times years ago when I was tired, but not lately.

I repeat, I am deeply grateful for this honor you have paid me.

I have talked more than I agreed to talk, but that is like all old garrulous members. They keep on talking and I am afraid I have fallen into that category. Thank you all very much for coming here today. Thank you members of the women's federation, and thank you, Mr. Speaker and above all, your good wife. I know what a great sacrifice it was for Mrs. McCormack to come here today. She doesn't often attend these meetings but she is here today and I am deeply grateful.

I appreciate all the fine tributes and I appreciate the fine message of Vice President Johnson, who wanted to be here and whose friendship I have enjoyed throughout his public life.

(The Lord's Prayer was sung by Mr. Richard A. Jacobs.)

Benediction by the Very Reverend Richard H. Sullivan, C.S.C., president of Stonehill College, North Easton, Mass.:

In the name of the Father, and of the Son and of the Holy Ghost, Amen. Oh, God, we thank Thee for the happiness of this occasion in which honor has been paid to Speaker Martin. In Your divine providence, You have shared with him the wisdom and prudence of guiding Your creatures and children, his fellow men, through the years of war and the years of peace, the years of want and the years of plenty.

Today in remembering his 50 years of service we have unveiled his image to remain in these halls of Congress as a symbol of his dedication for all to see and emulate. As we close these ceremonies may we humbly ask that You continue to guide both him and others in government to their goal of the common good so that we who are created to Your own image and likeness may never allow Your image to be disfigured by forgetfulness or disregard of You but ever mindful of You, may we adore, love, and serve You, may we grow more like You in truth, justice, peace and charity, so that throughout all eternity we as Your living images may adorn the halls of heaven to Christ, our Lord. Amen.

CHARLES H. HECHLER

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Derounian] may extend his remarks in the body of the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. DEROUNIAN. Mr. Speaker, Charles H. Hechler, the father of our colleague, Ken Hechler, and one of my good constituents, passed away on Thursday of last week, May 10.

I knew Mr. Hechler personally and admired him sincerely. Born and educated in Missouri, he came to Long Island as a young man, to manage Mr. Clarence Mackay's 600-acre farm and estate, at Roslyn. He saw many changes during the years of his life, as the farms disappeared and Nassau County developed into an urban area, and he took an active part in the progress of his community. An officer of the New York State Guernsey Breeders Association, he organized, also, the Nassau County Farm Bureau. He established a troop of Boy Scouts and assisted in establishing Boy Scout Troop No. 1, at Roslyn. He was one of the founders of the local Kiwanis Club and served as its president. For 24 years he was an active member of the Roslyn Board of Education and served for several terms as its president. He was a member of the Town Board of North Hempstead for many terms.

Charles Hechler was a wonderful American and a beloved friend. Those of us who knew him will miss him and I extend my sympathies to his wife and sons, who will miss him most of all.

REPEAL OF ACT CREATING CIVIL RIGHTS COMMISSION

Mr. JOELSON. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. Waggonner] may extend his remarks at this point in the Record and revise and extend his remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, I have today introduced a bill calling for the repeal of Public Law 85–315, the act which created the Civil Rights Commission.

No Commission of the Federal Government was ever given a more deceptive name than this one. Created under the guise of protecting the civil rights of the people of this country, it has done more to tear down inherent rights than anything since the infamous star chamber of England.

Operating in much the same manner, the Civil Rights Commission proceeds on rumor and hearsay, denies those it accuses such fundamental rights as facing his accuser, and holds its sessions in inner-sanctum shrouded in an atmosphere of secrecy and irresponsibility.

It is apparent that this Commission was created to force on the majority the will of a militant minority. It is more unjust to say, "You must," than to say, "You can't."

The rights of the people in both civil and domestic affairs are spelled out in our Constitution. Any act, the purpose of which is to set aside those inalienable rights, must, and of a right ought to be, declared null and void.

This bill which I have introduced will afford the Congress an opportunity to do just that.

STOCK OPTIONS ISSUED BY BANKS

Mr. JOELSON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and revise and extend his remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MULTER. Mr. Speaker, on May 3, 1962, I introduced a bill, H.R. 11599, to amend the Federal Deposit Insurance Act and the National Housing Act to require that any stock option issued by an insured bank or savings and loan association be made available to the general public on equal terms, or, if offered only to shareholders, be made available on equal terms to all of them.

Restricted stock options are bad policy and they should be prohibited. If no publicly owned company and no bank were permitted to grant these incentives, their use in the competition for executive talent would, of course, be eliminated.

I strongly believe that this is a source of very bad competition, since every institution or company, in order to keep its management and/or employees, must constantly vie with others in the same field by granting more and better incentives.

This is bad enough in industry generally, but is directly contrary to the public interest in the banking field. I have heretofore introduced H.R. 7141, which would discourage corporations from using this method of compensation by providing that income derived from this source would be treated for tax purposes as ordinary income.

I hope the House will have the opportunity to exercise its will on this issue in the near future.

FEDERAL RESERVE IN MEETINGS WITH THE FOREIGN CENTRAL BANKERS

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, on March 21 I made a speech, appearing in the RECORD at page 4724, entitled, "The American People Are Not Generally Aware That They Have Two Governments—An Elected Government and a Bankers' Government." This has brought a number of requests for information regarding the meetings of Federal Reserve and other U.S. officials with foreign central bankers, to discuss mutual problems and coordinate our monetary and interest-rate policies with those of the central banks of other countries, particularly those of Western Europe. In view of this interest, I desire to place in the RECORD a typical letter, together with my reply.

It may be noted that the writer of the following letter mentions that the Federal Reserve System "is actually a private corporation" using the resources of the Federal Government. This is a separate question, or misconception, about which I have written separately. Many people, including many bankers, have an idea that the Federal Reserve System is privately owned—that is, owned by the member banks of the Federal Reserve System. But this idea is completely erroneous. In truth, the Federal Reserve System is an agency of the Federal Government and is owned by the public. It is, however, true that it is operated in large degree by the private banks.

This peculiar method of operation of a Federal agency comes about in this way: The Federal Open Market Committee determines what the supply of money in the United States shall be, and what the general level of interest rates shall be. It is given this duty by statute. A large number of the members of the Federal Open Market Committee are, moreover, selected by the private bankers who are members of the Federal Reserve System and who have, of course, a direct pecuniary interest in the policies which the Federal Open Market Committee decides. The selection of these members of the Open Market Committee is also provided for by statute.

There is no dispute among authorities, either about what the Open Market Committee does, how its members are selected, or who owns the Federal Reserve System. The present Chairman of the Board of Governors of the Federal Reserve System, William McChesney Martin, Jr., as well as his predecessors, have all stated on the public record that the Federal Reserve System, including the Federal Reserve bank, is a public institution, not an institution owned by the private banks.

In answer to the questions which have been asked me concerning the meetings between Federal Reserve and other U.S. officials with their counterparts in foreign countries, the letter I have referred to and and my reply are as follows:

MARCH 27, 1962.

HON. WRIGHT PATMAN,
First District, Texas,
House Office Building,
Washington, D.C.

DEAR SIR: Your remarks appearing on page 4724, CONGRESSIONAL RECORD, March 21, 1962, under the heading "The American People Are Not Generally Aware That They Have Two Governments—An Elected Government and a Bankers' Government," interested me considerably.

You are to be commended on bringing this point before Congress. There are too many Americans who do not realize the amount of power these bankers have over our daily lives. One thing you did not mention was the fact that the Federal Reserve System is actually a private corporation which is given the resources of the taxpayers as assets from which our Government (again, the taxpayers) borrows back from the Federal Reserve System and pays this private corporation interest, also out of the taxpayer's pocket. At least, that is what I have been able to figure out about the System. I can be wrong.

I would like very much to find out, if you can get the information, the names of the men who represent the Federal Reserve as well as the other central bankers who meet monthly in Basel, Switzerland.

Yours very truly,

——— ———.

NEW HOUSE OFFICE BUILDING,
May 11, 1962.

DEAR MR. ———: Thank you for your letter and kind remarks concerning my speech of March 21.

In answer to your inquiry, meetings of Federal Reserve representatives and others with central bankers in Europe fall into two broad categories: those under the auspices of the Organization for Economic Cooperation and Development (OECD), and those related to the Bank for International Settlements (BIS). The general purpose of OECD is to strengthen economic cooperation in the Atlantic community and to promote cooperative efforts to develop underdeveloped countries. The BIS performs some banking functions for its member central banks, such as purchases and loans of gold; principally, it serves as a place where representatives of central banks can get together and discuss common problems in an informal manner.

The OECD meetings in which the Federal Reserve participates fall into two categories:

1. The Economic Policy Committee meets every 3 months in Paris, attended by Chairman Martin of the Federal Reserve and Secretary of the Treasury Dillon.

2. So-called working party meetings are held in Paris every 4 to 6 weeks, attended by members of the staff of the Fed and the Treasury. Federal Reserve participation in these working party meetings stemmed principally from the gold crisis which developed around October 1960 and caused a drain on the American gold supply. Although the Federal Reserve and Treasury officials had been following the balance-of-payments situation over a number of years, the October 1960 gold crisis dramatized the long-developing problems in the U.S. balance of payments and helped to bring about a decision to meet with European treasury and monetary authorities on a regular basis. The working party meetings were set up in May 1961 and have continued since that time, as follows:

(a) Working party No. 2—Economic growth: The Treasury is represented by J. Dewey Daane, Treasury Deputy Under Secretary for Monetary Affairs; the Fed is represented by John E. Reynolds, member of the International Division of the FRB.

(b) Working party No. 3—Balance of payments: Attended by Robert V. Roosa, Treasury Under Secretary for Monetary Affairs, and Ralph Young, head of the International Division of the FRB.

The Bank for International Settlements meetings are held in Basle, Switzerland, and fall into two parts:

1. The annual meeting of BIS is held once a year and is attended by one Governor and one senior staff member of the FRB.

2. Monthly meetings. There is no regular pattern of who attends these meetings representing the Fed—sometimes they are attended by one of the Governors accompanied by a staff member; other times only by a staff member. However, the regular monthly meetings are attended by Charles Coombs of the Federal Reserve Bank of New York and on occasion by Alfred Hayes, president of the Federal Reserve Bank of New York.

With kindest regards and best wishes, I am,

Sincerely yours,

WRIGHT PATMAN,
Chairman.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PATMAN, for 15 minutes, today, to revise and extend his remarks and include extraneous matter.

Mr. DULSKI, for 15 minutes, today, to revise and extend his remarks and include extraneous matter.

Mr. PELLY, on Monday, next, May 21, for 45 minutes.

Mr. CUNNINGHAM (at the request of Mr. SHORT), for 30 minutes, on May 16.

Mr. HARVEY, of Indiana, (at the request of Mr. SHORT), for 20 minutes, on May 17.

Mr. SANTANGELO (at the request of Mr. JOELSON), for 30 minutes, on Thursday, May 17, 1962.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. LANE and to include extraneous matter.

Mr. PELLY and to include extraneous matter.

Mr. FARBSTEIN.

(The following Members (at the request of Mr. SHORT) and to include extraneous matter:)

Mr. CUNNINGHAM.

Mr. ASHBROOK.

(The following Members (at the request of Mr. JOELSON) and to include extraneous matter:)

Mr. BAILEY.

Mr. ZELENKO.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

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

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on May 14, 1962, present to the President, for his approval, bills and joint resolutions of the House of the following titles:

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.

ADJOURNMENT

Mr. JOELSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 1 o'clock and 46 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 16, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2059. A communication from the President of the United States, transmitting a draft of proposed legislation, to provide assistance for research or training projects leading to development of new or improved programs to help older persons, and for other purposes; to the Committee on Education and Labor.

2060. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement to the following watersheds: Puukapu, Hawaii; Scattering Fork, Ill.; Little Kentucky River, Ky., pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and delegated to the Director of the Bureau of the Budget by Executive Order No. 10654, of January 20, 1956; to the Committee on Agriculture.

2061. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation, entitled "A bill to amend and extend the provisions of the Sugar Act of 1948, as amended"; to the Committee on Agriculture.

2062. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting a request for approval to proceed with the construction of several Reserve forces facilities projects for the storage of ammunition for the Air National Guard, pursuant to section 501(4), Public Law 86-149, and section 601(4) of Public Law 86-500; to the Committee on Armed Services.

2063. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation, entitled "A bill to authorize the loan of naval vessels to friendly foreign countries and the extension of certain naval vessel loans now in existence"; to the Committee on Armed Services.

2064. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation, entitled "A bill to increase the jurisdiction of the municipal court for the District of Columbia in civil actions, to change the name of the court, and for other purposes"; to the Committee on the District of Columbia.

2065. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement to the following watersheds: Hurricane Creek, Ala.; Marbury Creek, Middle Fork Broad River, Ga.; North Sanpete, Utah, pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and delegated to the Director of the Bureau of the Budget by Executive Order No. 10654 of January 20, 1956; to the Committee on Public Works.

2066. A letter from the Chairman, U.S. Tariff Commission, transmitting a report of the Tariff Commission's investigation concerning lead and zinc, pursuant to Senate Resolution 206, 87th Congress; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEORGE P. MILLER: Committee on Science and Astronautics. H.R. 11737. A bill to authorize appropriations to the National Aeronautics and Space Administration for research, development, and operation; construction of facilities; and for other purposes; without amendment (Rept. No. 1674). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 6664. A bill to authorize the Commandant of the Judge Advocate General's School to award appropriate degrees and credits; with amendments (Rept. No. 1675). Referred to the House Calendar.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 8333. A bill to amend title 10, United States Code, to provide that members of the Armed Forces shall be retired in the highest grade satisfactorily held in any armed force, and for other purposes; without amendment (Rept. No. 1676). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. House Concurrent Resolution 473. Concurrent resolution providing the express approval of the Congress, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), for the disposition of certain materials from the national stockpile; without amendment (Rept. No. 1677). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. House Joint Resolution 559. Joint resolution authorizing the Secretary of the Air Force to admit a citizen of the Kingdom of Thailand to the U.S. Air Force Academy; without amendment (Rept. 1678). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. House Joint Resolution 656. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy at Annapolis two citizens and subjects of the Kingdom of Belgium; without amendment (Rept. No. 1679). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 10595. A bill to facilitate the sale and disposal of Government stocks of extra long staple cotton; with an amendment (Rept. No. 1680). Referred to the Committee of the Whole House on the State of the Union.

Mr. WILLIS: Committee on the Judiciary. H.R. 10617. A bill providing that the U.S. district courts shall have jurisdiction of certain cases involving pollution of interstate river systems, and providing for the venue thereof; with amendments (Rept. No. 1681). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 641. Resolution providing for the consideration of H.R. 10594, a bill to amend section 372 of the Agricultural Adjustment Act of 1938, as amended, with respect to privately owned nonprofit agricultural research and experiment stations or foundations; without amendment (Rept. No. 1682). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 642. Resolution providing for the consideration of H.R. 10708, a bill to amend section 203 of the Rural Electrification Act of 1936, as amended, with respect to communication service for the transmission of voice, sounds, signals, pictures, writing, or signs of all kinds through the use of electricity; without amendment (Rept. No. 1683). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY:

H.R. 11752. A bill to provide assistance for research or training projects leading to development of new or improved programs to

help older persons, and for other purposes; to the Committee on Education and Labor.

By Mr. BECKWORTH:

H.R. 11753. A bill to provide for the payment of certain amounts and restoration of employment benefits to certain Government officers and employees improperly deprived thereof, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. COHELAN:

H.R. 11754. A bill to amend the Civil Service Retirement Act to provide for the adjustment of inequities and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LINDSAY:

H.R. 11755. A bill to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73 million for that purpose; to the Committee on Foreign Affairs.

H.R. 11756. A bill to amend section 4, Public Law 86-363, so as to permit the entry of certain additional relatives of U.S. citizens; to the Committee on the Judiciary.

H.R. 11757. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is physically or mentally incapable of caring for himself; to the Committee on Ways and Means.

By Mr. LIPSCOMB:

H.R. 11758. A bill to amend section 1913 of title 18, United States Code, to make clear that the prohibition against lobbying with appropriated funds applies to the heads of executive departments and agencies; to the Committee on the Judiciary.

By Mr. McDOWELL:

H.R. 11759. A bill to amend the laws with respect to Federal participation in shore protection; to the Committee on Public Works.

By Mr. MULTER:

H.R. 11760. A bill to require banks insured by the Federal Deposit Insurance Corp. to convert inactive demand accounts into savings accounts in certain circumstances; to the Committee on Banking and Currency.

By Mr. NYGAARD:

H.R. 11761. A bill to amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions; to the Committee on Agriculture.

By Mr. O'HARA of Illinois:

H.R. 11762. A bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 11763. A bill to amend the Internal Revenue Code of 1954 to extend the head of household benefits to all unremarried widows and widowers and to all individuals who have attained age 35 and who have never been married or who have been separated or divorced for 3 years or more; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 11764. A bill to amend title 38 of the United States Code in order to provide a 1-year period during which certain veterans may be granted national service life insurance; to the Committee on Veterans Affairs.

By Mr. WAGGONNER:

H.R. 11765. A bill to repeal Public Law 85-315; to the Committee on the Judiciary.

By Mr. WESTLAND:

H.R. 11766. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. ZELENKO:

H.R. 11767. A bill to amend section 33 of the Federal Employees' Compensation Act so as to provide a system of safety rules, regulations, and safety inspection and training, and for other purposes; to the Committee on Education and Labor.

By Mr. SCHWENGEL:

H. Res. 639. Resolution to investigate the Department of Agriculture having to do with the storage program and related matters; to the Committee on Rules.

By Mr. VAN ZANDT:

H. Res. 640. Resolution expressing the sense of the House of Representatives with respect to non-Federal installation of electric generating facilities at Hanford, Wash.; to the Joint Committee on Atomic Energy.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. CURTIS of Missouri:

H.R. 11768. A bill for the relief of Dr. Narayan Chandra Gupta; to the Committee on the Judiciary.

By Mr. FINNEGAN:

H.R. 11769. A bill for the relief of Konstantinos Tigkos; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 11770. A bill for the relief of Domenico De Simio; to the Committee on the Judiciary.

By Mr. GATHINGS:

H.R. 11771. A bill for the relief of E. A. Rolfe, Jr.; to the Committee on the Judiciary.

By Mr. LANE:

H.R. 11772. A bill for the relief of Dr. Murat A. Avadikoglu; to the Committee on the Judiciary.

By Mr. STAFFORD:

H.R. 11773. A bill for the relief of the Shelburne Harbor Ship & Marine Construction Co., Inc.; to the Committee on the Judiciary.

PETITIONS, ETC.

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

345. By the SPEAKER: Petition of City Council of the City of Rolling Hills, Calif., petitioning consideration of their resolution with reference to opposition to any amendment of the Constitution which would have the effect of subjecting the income from State and local bonds to State and Federal tax; to the Committee on the Judiciary.

346. Also, petition of Henry Stoner, New York, N.Y., petitioning consideration of their resolution with reference to favoring passage of legislation requiring that 4 percent of the annual budget be allocated to the end of reducing the U.S. public debt; to the Committee on Government Operations.

EXTENSIONS OF REMARKS

How Not To Set the Record Straight

EXTENSION OF REMARKS

OF

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1962

Mr. ASHBROOK. Mr. Speaker, the Washington Post today gave a graphic example in its columns of downright irresponsible journalism. Instead of focusing attention on the fact that it had made, in its own words, an "erroneous" report, it left this little revelation to the very end of the article—if you got that far—and put two of our colleagues in the light of denying stories rather than properly writing the article to indicate they were denying erroneous charges. It was a good lesson in "How Not To Set the Record Straight."

On Sunday, May 13, 1962, the Washington Post printed a statement that Billie Sol Estes, indicted Texas financier, "has given money" to Representative ED EDMONDSON, of Oklahoma, and Representative HARLAN HAGEN of California. The Tuesday, May 15, story in the Post on page A4 went to great lengths to talk about the denial of the two legislators and just barely managed to mention the fact that the newspaper regretted its erroneous report.

How much more honest it would have been to lead the story off with the simple statement that the two men had been wronged by the Sunday Post article. How much more honest it would have been to set a 36-point three-line heading proclaiming "Post Story Falsely Hits Two in House" rather than, as it did, leave the matter up in the air and to the definite disadvantage of Representative EDMONDSON and Representative HAGEN by using a three-line heading which stated "Estes Gifts Denied by Two in House." You do not have to be a Phi Beta Kappa to see the difference in inference.

This story represents a good case example in demonstrating that it is difficult to correct a false statement, intentional or unintentional, in a newspaper. It is even difficult when the inclination of fairness is present on the part of the newspaper to put the story in its correct perspective and rectify the damage. It is just about impossible when this inclination is not present and, in fact, the correction comes as an almost reluctant concession. The story appeared as follows—note the very last paragraph:

[From the Washington Post, May 15, 1962]

ESTES GIFTS DENIED BY TWO IN HOUSE

Representative ED EDMONDSON (Democrat of Oklahoma) and Representative HARLAN HAGEN (Democrat of California) denied yesterday a statement printed in the Washington Post Sunday, May 13, that Billie Sol Estes, indicted Texas financier, "has given money" to each of them.

EDMONDSON said Estes sent him a personal check for $100 several months ago, apparently for campaign purposes, before EDMONDSON knew who Estes was. EDMONDSON said he wrote "returned with thanks" across the face of the check and sent it back because his practice is not to accept "checks made payable to me personally" for campaign contributions.

HAGEN said he had been assured by the Democratic National Committee that reports Estes had given money to the committee for HAGEN's benefit were not true.

HAGEN also said he had been reimbursed by a $218 check signed by Estes for having reprinted for farm distribution a speech made by an Agriculture Department official from California. He said the check was given to him by William E. Morris, an Agriculture Department employee who was fired when his name cropped up in a Texas investigation as an apparent close associate of Estes.

The Washington Post regrets its erroneous report.

How much better it would have been, and how much fairer to the two men involved if the Washington Post had used an honest and forthright approach in something similar to the following fictional story:

POST STORY FALSELY HITS TWO IN HOUSE

The Washington Post erroneously reported in its Sunday, May 13, edition that Billie Sol Estes, indicted Texas financier, gave money to Representative ED EDMONDSON (Democrat, of Oklahoma) and Representative HARLAN HAGEN (Democrat, of California). The two legislators promptly denied the charges and after investigation the Post determined that it was in error. This mistake is sincerely regretted by the management and the reporting staff of the Post.

EDMONDSON said Estes sent him a personal check for $100 several months ago, apparently for campaign purposes, before EDMONDSON knew who Estes was. EDMONDSON said he wrote "returned with thanks" across the face of the check and sent it back because his practice is not to accept "checks made payable to me personally" for campaign contributions.

HAGEN said he had been assured by the Democratic National Committee that reports Estes had given money to the committee for HAGEN's benefit were not true.

HAGEN also said he had been reimbursed by a $218 check signed by Estes for having reprinted for farm distribution a speech made by an Agriculture Department official from California. He said the check was given to him by William E. Morris, an Agriculture Department employee who was fired when his name cropped up in a Texas investigation as an apparent close associate of Estes.

Happy Birthday to the Republic of Israel

EXTENSION OF REMARKS

OF

HON. THOMAS J. LANE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1962

Mr. LANE. Mr. Speaker, after nearly 2,000 years, the Jewish people have regained their homeland and their independence.

The situation that confronted settlers in Palestine on May 14, 1948, was discouraging. The lifegiving land had been worn out by generations of oppressors; and the infant nation was surrounded by enemies who moved in for a quick kill.

But they underestimated the power of faith. Those who have been denied freedom for so long are most valiant in its defense. Outnumbered 30 to 1, the people of Israel fought with superhuman courage and won. Then they set to work with a song in their hearts to rebuild the land that had been ravaged through centuries of conquest.

Fourteen years later, Israel stands as the most modern and progressive state at the crossroads of three continents. The generosity of their coreligionists in the United States has provided the tools, but without the back-breaking work and cooperation and confidence of the people in Israel, the world would not be celebrating this miracle born of freedom. In contrast, witness the billions of dollars that the United States has given to corrupt governments without producing results beneficial to their peoples or their economies.

In his timely comment on this anniversary, titled "The Resurgence of Israel," Prime Minister David Ben-Gurion states:

In their lifetime these pioneers carried out two transformations—one cultural and the other social—which practical and commonsense men did not believe possible. They brought to life an ancient tongue, the Hebrew language, which had not been spoken for nearly 2,000 years, and they turned townsfolk, who for centuries had been remote from physical labor and in particular from the cultivation of the soil, into settlers on the land, who created a technically and socially advanced agriculture in backward and primitive surroundings and in a ruined waste and depleted country. Israel in our time is an organic fusion of the heritage of the Prophets and the Biblical culture of more than 2,000 years ago, with the achievements of science and technology in our day and those to come.

Mr. Speaker, the success of Israel in the short space of 14 years is a lesson and a guide for all other nations old and new; reminding them that there is no genuine progress without those spiritual values that honor the dignity of man.

Congratulations to the Republic of Israel on its 14th birthday.

The American people have a special affection for their "little brother" in the family of freedom.

We proudly anticipate that Israel's achievements in the future will be a blessing to mankind.

Tax Break for Teachers

EXTENSION OF REMARKS

OF

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1962

Mr. FARBSTEIN. Mr. Speaker, shockingly low salaries far out of line with the years of preparation for, and the continuing responsibilities of, a career in teaching annually drive thousands of competent people from the field of teaching. Even more serious is the fact that this depressed salary scale discourages countless numbers of qualified young men and women from entering the profession.

While local and State authorities in recent years have made valiant efforts within their resources to provide additional compensation to teachers commensurate with their positions, I believe the Federal Government can be an important partner in providing some measure of relief to teachers by permitting a partial tax forgiveness.

Much has been said, but still far too little done, to help meet the continuing crisis in our schools caused by the flight of teachers to better-paying jobs.

With this in mind I have introduced legislation—H.R. 11527—which would allow teachers of public and nonprofit private schools to exclude from their gross incomes in any one year the first $1,500 of their salary earned. This should ameliorate, to a degree, the serious economic crisis being faced by the teaching profession.

It is my earnest hope that this Congress will take favorable action on the measure.

Residual Oil Imports

EXTENSION OF REMARKS

OF

HON. CLEVELAND M. BAILEY

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1962

Mr. BAILEY. Mr. Speaker, during good times, it is a natural and normal human trait to banish from the mind evil days experienced in the past. However, the wise man and the prudent Nation profit from the lessons of history. There is an old saying that history repeats, which brings to mind the terror and destruction caused by enemy submarines off the Atlantic coast only a generation ago.

Exactly 20 years ago this month of May, German U-boats sent 14 U.S. tankers to the bottom, after sinking 12 in February, a dozen more in March and the same number in April. The loss of 50 tankers in 4 months is a grim reminder that the Nazis were in almost undisputed possession of the waters of the entire Atlantic coast during the early months of the war.

Could history repeat? Does any foreign power possess a submarine fleet sufficiently large and powerful to cut off military installations and defense industries located along the east coast from their supplies of foreign residual oil? Are our defense mobilization planners taking into consideration the proper precautions to avoid dependence on an unreliable source of energy?

Senator ROBERT C. BYRD recently has recommended to the President that a survey be made of our military installations and defense industries, from Florida to Maine, to determine the extent to which they have become reliant on foreign fuel, transported by tankers, conceivably menaced by another formidable wolfpack.

I wish to commend the gentleman from West Virginia for his perspicacity, vigilance, and sense of public responsibility in focusing attention upon a vital matter. The survey he has called for could prove of tremendous future benefit to the security of our Nation. This is no time for apathy and indifference to

the tragic lessons of happenings off our own shores just 20 years ago. Vigilance is, indeed, the price of liberty.

Under leave granted, I include Senator BYRD's letter to the President in the RECORD:

APRIL 12, 1962.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On March 28, Mr. Edward A. McDermott, Director of the Office of Emergency Planning, told the National Coal Policy Conference of his investigation of residual oil imports as they affect national security. I attended that meeting and was highly impressed with Mr. McDermott's presentation.

For some years I have opposed excessive imports of residual oil from both the economic and defense standpoints. In the latter regard, I have been particularly concerned because, according to my information, some U.S. military installations on the east coast are using imported oil. It would seem to me that ordinary precaution would require all such facilities to avoid dependence upon a source of energy that is unlikely to be available in an emergency.

In the light of Mr. McDermott's study of the oil imports problem from the standpoint of security, would you not agree that it would be advisable to determine which, if any, military bases are, in fact, using imported fuels? At the same time, I believe that it would be most helpful if a similar listing were compiled for all industrial plants that would be involved in a mobilization program. Perhaps this information is already being accumulated, but my impression is that the mandatory oil import control program has been based on volume without regard to the individual consumer.

My recommendation is that the compilation include, in addition to defense installations, all manufacturers of components for use in all phases of military operations as well as power generating stations which use imported residual oil, and which serve such facilities. The study should include information as to whether any consideration has been given to a substitute fuel supply in the event of a cutoff of foreign oil shipments.

With kindest personal regards, I am,
Sincerely yours,

ROBERT C. BYRD.

The Latvian Communist Propaganda Line

EXTENSION OF REMARKS
OF
HON. GLENN CUNNINGHAM
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 15, 1962

Mr. CUNNINGHAM. Mr. Speaker, perhaps some Members will recall the petitions which reached us in large numbers a few months ago entitled "Stop the Red Mail Subsidy."

I submitted a number of these to your desk, Mr. Speaker, and they were referred to the appropriate committee. Subsequetly the House acted to stop the subsidy now paid by the American taxpayer for free delivery of Communist propaganda from abroad.

It is interesting to me to find some reference to these petitions in one of the publications of the Communist authorities in Latvia. This publication is a newspaper which is sent into this country to Americans of Latvian heritage. It is called "Dzimtenes Balss," which means "Voice of the Homeland." It is typical of redefection material aimed at refugees, displaced persons, and others from behind the Iron Curtain.

An editorial in a recent copy of this newspaper states in part:

They (successors to the brown-shirts) now want the U.S. Government to adopt a law controlling the mails, which would prohibit the distribution of the books and newspapers published in Latvia and thus conclusively disrupt any communication with friends and relatives in Latvia. Latvian Fascist politicians submit petitions to responsible authorities of the United States, demanding that freedom of the mails be restricted. If these demands were to be put into effect, the first to feel the effects would be not only the politicians and their supporters themselves, but also tens of thousands of other Latvians who do not warm themselves at the Fascist bonfires and who do not engage in witch hunts. Every Latvian in the U.S.A. must understand that the retaliation of such a proposal might lead to the termination of all mutual communications with Latvia.

This threat to retaliate is at best a hoax. In truth, of course, we are in the position of retaliating against the Communist governments which censor and delay mail and even remove money and other items from letters. While we admit Communist propaganda of all types and deliver it free, our ideas and information are blocked at the borders and jammed in the air waves.

Mr. Speaker, it is interesting also to note that this attack is aimed at the tens of thousands of people throughout the country who signed the petitions directed to Congress, while we, the recipients, are generously referred to as responsible authorities. Or perhaps I see flattery where none is intended by the Latvian Communist propaganda organ.

This newspaper editorial goes on to make its special appeal to the Latvians who now live in this country, most of them American citizens or awaiting their American citizenship. This quotation concludes with a reference to Pastor Edmunds Macs, who is, I understand, a Latvian minister now living in Washington State. He is active in campaigning against this Communist propaganda and in exposing the lies it contains. Thus he has naturally earned the hate of the Soviet propaganda merchants operating in Riga, where this newspaper is published.

The editorial continues:

It should not be forgotten that the Latvian Nation is in Latvia, but Latvians abroad are only a small branch of the great national tree. If anyone imagines that he can manage to get along without connections with their nation, then we reply that Latvia and the Latvian people got along and will continue to get along without them. * * * It is quite clear that of all Latvians in the United States, only a small handful, a few hundred politicians to be exact, who are blinded by anti-Sovietism, would be willing to break off relations with their country and their people. Let them rave and submit their petitions. * * * In order to unmask the signers of such petitions, who intentionally delude respectable political and social workers of the United States, we shall let the latter know who Pastor Edmunds Macs is, and who the people are who begin to light Fascist bonfires in the United States.

In closing I would like to read the printed notice that accompanied this newspaper:

DEAR COUNTRYMEN: Attached herewith are the newspaper "Voice of the Homeland" and several other publications of the Latvian branch. Kindly let us know if you received the shipment. Also, we would appreciate your comments. We are expecting your answer.

LATVIAN BRANCH OF THE COMMITTEE FOR SPONSORING REPATRIATION AND CULTURAL TIES WITH COUNTRYMEN ABROAD.

Col. John Glenn Urged as Good-Will Ambassador

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Tuesday, May 15, 1962

Mr. WILEY. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, a recent press release from my office urging reconsideration of the decision not to utilize Col. John Glenn as a good-will ambassador for the United States to other countries, including the Soviet Union; also an editorial on the same subject from television station WITI, of Milwaukee, Wis.

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

SENATOR WILEY URGES GLENN TRIP TO SOVIET UNION

(Excerpts of statement by Senator ALEXANDER WILEY, senior Republican, Senate Aeronautical and Space Sciences Committee in U.S. Senate)

Senator ALEXANDER WILEY, Republican, of Wisconsin, today urged reconsideration of the U.S. decision not to utilize Colonel Glenn as a good-will ambassador for the United States.

Speaking in the U.S. Senate, the senior Republican of the Senate Aeronautical and Space Sciences Committee said:

"The United States, I believe, could well benefit by further utilizing Colonel Glenn: (1) as a good-will ambassador to other countries; and (2) permitting the U.S. astronaut to go to the Soviet Union.

"This would, I believe (a) enhance prestige for the U.S. space feat; (b) be smart space diplomacy; and (c) possibly provide an opportunity to acquire more detailed knowledge of the Soviet space project.

"During the visit of the Soviet cosmonaut, Maj. Gherman Titov, to the United States, he inspected our space program; and also served as an emissary of the Soviet Union.

"Speaking personally—if not officially—Major Titov stated that he would be happy to have Colonel Glenn come to the Soviet Union.

"Reflecting upon the proposition, Dr. Hugh L. Dryden, Deputy Administrator of NASA, however, responded that the possibility had been considered, but disapproved (1) because Colonel Glenn had expressed a wish to 'keep on flying'; and (2) the space program—with only a limited number of astronauts—needed his services.

"The Agency's views—as well as the wishes of Colonel Glenn—of course, should be given full consideration.

"However, I believe that although space projects themselves are handled and administered by the Agency, the decision of whether or not to utilize a successful astronaut as an emissary of good will is larger in scope than an Agency decision—in fact, is a matter of national policy.

"In a world of curtains—of barriers to understanding (breeding mistrust)—there is a real need for more people-to-people contact.

"In recent months, we have witnessed successful trips by the President's wife, the beautiful Jackie, to Europe, to Latin America and to the Middle East; and of the Attorney General, the President's brother, Bobby, to the Far East.

"Without attempting to detract well-deserved credit from these trips, I believe that—with a population of 186 million—there are many outstanding citizens—outside the immediate Presidential family—qualified and competent to serve as good-will ambassadors.

"In the past, Soviet Cosmonauts Gagarin and Titov also have both been utilized successfully. Naturally, it does not necessarily follow that because the Soviets do it, we should do it. However, neither does it follow that, because they have done it, we should not do it.

"For these reasons, the United States, I believe, should not only permit Col. Glenn to travel as a good-will ambassador, but also push for a trip to the Soviet Union for the U.S. astronaut," Senator Wiley concluded.

AGAIN URGE COL. JOHN GLENN AS GOOD-WILL AMBASSADOR

We've seen Russia's Titov—more reason for us to send Astronaut Glenn on a good-will mission.

In a February editorial, we urged our State Department to send Astronaut John Glenn around the world again—not in orbit but on the ground as a good-will ambassador. People of other countries can get no better sampling of our space achievements, but more important no better representation of the intelligent, honest, forthright individuals who are shaping our country today.

Russia has sent Cosmonaut Titov here. Although we admired his achievements, we were disappointed in the things he said. He often took the opportunity to ridicule our space efforts, our people, and our cities; and he was quick to spread the Kremlin party line.

When he was asked about the possibility of joint United States-Russian space flights, he answered by saying the disarmament question must be settled first. This was clearly an attempt to inject Red propaganda. But, Colonel Glenn, who can capably handle himself and his country's position, was quick with the right reply:

"We share our information quite openly as all of you are aware. The booklets that we passed out today have very complete reporting. It is our opinion that we need not have disarmament before we share opinions like this. This is of this country, of course. Our idea is that the sooner we can all share this the sooner it may be the very enjoyable fact that Major Titov and I could make a space mission together, and I certainly look forward to that day."

That's the man who should be seen and heard by other countries. Let Colonel Glenn tell those nations who criticize our nuclear testing that these tests are not performed by a warlike nation, but by people who are forced to test new weapons for survival. Glenn can explain that our space ventures are not based on the development of weapons and the preparation for war; that we have done far more than the Russians toward the peaceful use of outer space. While here, Titov often mentioned our space failures. Glenn can explain that the world hears about ours because we live in a free society; we don't put the wraps of secrecy around a launching just because we failed.

We have a far better representative than Russia has in Titov. What Glenn says is not manufactured by the propaganda experts. He gives our story honestly, sincerely, straightforward with the conviction of a man who believes that we are striving for a better, peaceful way of life for everyone.

Other countries will quickly note another contrast between these two men and the two Governments they represent. While Titov talks of his country—Glenn talks of God and his country.

Surely Colonel Glenn can be spared several weeks for this important mission as a good-will ambassador. The benefits we derive will be long lasting.

The Federal Employees' Safety Act

EXTENSION OF REMARKS

OF

HON. HERBERT ZELENKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1962

Mr. ZELENKO. Mr. Speaker, I have today introduced legislation to amend section 33 of the Federal Employees' Compensation Act so as to provide a system of safety rules, regulations, and safety inspection and training.

Senator HUBERT HUMPHREY has introduced the companion bill in the Senate.

In 1948 the injury frequency rate for Federal employees was 8.1 disabling injuries per million man-hours. In 1961, or 13 years later, the injury frequency rate was the same with no improvement in the picture being reported.

During this same interval of time the cost of injuries to Federal employees has increased some 80 percent, from approximately $20 million in 1949 to $36.1 million in 1960.

There are presently no existing minimum safety standards to be met by all Federal agencies. With approximately 54 different Federal agencies responsible under the Federal Employees' Compensation Act to take some measures to provide for the safety of the Federal employee at the workplace, there are approximately 54 different types of safety programs in effect ranging from practically nothing being done to some which are quite effective. These facts indicate that there is considerable lack of interest in safety on behalf of many Federal administrators.

With over 50 agencies responsible for individual safety programs there presently exists much duplication of efforts in the way of publications, training, inspections and requests for financial support for safety personnel. There is no common objective but only those tempered by the interest or lack of interest of the over 50 administrators.

There is no agency or coordinating body which has the authority to see that overall objectives are set, that minimum safety standards are developed and that they are met by all agencies. Although the Department of Labor has authority to promote cooperation and coordination of the Federal safety effort, it does not have recognized authority to really develop and coordinate an effective Federal safety effort.

Since the overall Federal safety program has been on a plateau for some 13 years while costs have skyrocketed, it seems imperative that some action be taken to improve the situation.

By amending section 33(c) of the Federal Employees' Compensation Act it will be possible to do this. The amendments would acomplish the following:

First. It would require the head of each Federal agency to establish a safety program in conformity with the standards program and regulations prescribed by the Secretary of Labor.

Second. It would give the Secretary of Labor authority to develop, promulgate, and promote minimum safety standards for Federal employees.

Third. It would provide for surveys and investigations of injury causes which would provide useful data for individual agencies to use in controlling injuries to their employees.

Fourth. It would provide a means for coordinating and collecting the information and data developed by each Federal agency and making it available for all to use in helping prevent duplication of effort.

Fifth. It would provide an advisory staff of technicians for those agencies wishing to initiate or improve their safety efforts.

Sixth. It would provide a Federal safety advisory committee which would include representatives from both labor and management and thus insure a more closely knitted joint labor and management effort toward improving the safety record.

Seventh. It would provide resources for training and education of Federal advisory personnel in order to upgrade the safety know-how of those in positions of safety responsibility of all Federal employees.

It is imperative that something be done to better coordinate the Federal efforts in accident prevention and to advise and consult on the objectives to be set and achieved. It is imperative that minimum Federal safety standards be developed and that every Federal agency be required to meet them. Amending section 33(c) of the Federal Employees' Compensation Act will establish the coordination and direction needed.

I strongly urge my colleagues to give careful and favorable consideration to this much-needed legislation.

An Address by the Honorable Catherine May

EXTENSION OF REMARKS

OF

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1962

Mr. PELLY. Mr. Speaker, recently our colleague from the State of Washington [Mrs. MAY] addressed the ladies

luncheon at the 50th annual meeting of the Chamber of Commerce of the United States.

Her speech dealt with advancing "Voluntary Leadership in a Changing World" and made such an impression on her audience that I have obtained her consent to let me have it printed in the CONGRESSIONAL RECORD for the edification and enjoyment of others.

In this connection under previous consent to do so I include the text of this speech:

WOMEN IN A CHANGING WORLD—EFFECTIVE CITIZENSHIP THROUGH VOLUNTARY ACTION

(By the Honorable CATHERINE MAY, U.S. House of Representatives)

May I first begin by offering you my own personal and very heartfelt greetings and commendations on your golden anniversary, the 50th annual meeting of the Chamber of Commerce of our United States. May you continue to serve our country in this fine organization as well in the next half century, please God, as you have in the last half century.

Mr. Motley, in his introduction, has given you a little background of my personal family life and my children. I would like to begin by telling you a family story that is apropos to the theme of my speech.

A number of years ago, when my now 11-year-old daughter, Melinda, was about 7 or 8, her dad and I were under the impression that, although both of us were tremendously busy in political work, she was too young to take much interest in what we were doing or have much of an idea why we were doing it. However, one afternoon, right after I had left the house to go downtown to address a women's club, my mother who was babysitting, overheard the following conversation that transpired between Melinda and the little girl next door.

The first little girl said, "Where is your mother going?"

Melinda's answer was, "She is going downtown to make a talk to some ladies."

First little girl, "What is she going to talk about?"

Melinda's answer, "She is going to tell those women to get out of the house and get busy."

First little girl, "Why is she going to tell them that?"

Long pause and then Melinda, in a tone indicating much disgust at lack of understanding, "Well, for goodness sake, if they don't do that, pretty soon there won't be any house left."

We decided that even at 8 my daughter, whether she knew it or not, had a pretty good idea of what mother was trying to get across. It has become a time-honored anecdote in the May family now and, obviously, mother has continued in the intervening years to make speeches to women, wherever I can find a captive audience, invariably stressing the theme, "Get out of the house and get busy."

In looking back over this series of speeches, I find that about the only thing that has changed about the kind of speech I give on this subject is the urgency, the ever-increasing urgency, which I feel as I present this message to women like yourselves.

This urgency is based on a tragic but ever-growing conviction that our America is losing a war. I hope you notice I say "is losing," not "has lost," because if I thought we had suffered a decisive defeat in this war that I want to talk about, I would have long before now packed my brief case and retired from public office.

First of all, I want to make it clear that the war I speak of has nothing to do with the great international conflict in which this Nation and other nations are engaged. The war that will determine the nature of civilization and the conditions of human life for generations to come. There is no American citizen who does not recognize what our Nation must do to win the war—how necessary it is that we go all out to win it, unless we wish to witness the defeat of our Nation.

But I am talking about a second war. The war that is really going to be decisive. The war we have to win, if we win the big war, a war that is going on right here within our own boundaries.

When I first came to Washington, I heard a man named Ed Lipscomb make a famous speech which he titled "How To Win a War on the Home Front," and he defined this war with words that are as well chosen as any I have ever heard when he said, "This war is the war between forces which would keep us powerful by maintaining the initiative, independence and the self-respect of our individual citizens—between those forces and the forces which, through the exaltation of the godhead of the group, would assure the economic cataclysm and the accompanying ideological collapse on which our foreign enemy depends to leave us and our allies incapable of resistance."

Now you, to whom I speak today, as wives of business and professional men and acting members of chambers of commerce in your cities, certainly know this war that I am describing. You are well aware of what impact governmental action can have on the economic health of America.

You are well aware what impact governmental action can have on the individual character and morale of every citizen in this country.

But, if you are aware of the nature of the war and if you know, as I am sure you do, that this is the struggle which every major Communist leader throughout history has predicted with gleeful high hopes that we would lose—this is the war which Mr. Khrushchev and his compatriots over and over have stated would be the basis of our disappearance in America as a world power—if you recognize the nature of this war, I still dare not take for granted that you or any other citizen in America today recognizes the symptoms of why I think we are losing it.

At any rate, I believe that it is very urgent that even those of us who are aware constantly review and analyze the symptoms of pending defeat that are emerging.

One: America's fiscal picture, the trend toward national insolvency.

When President Eisenhower left office more than a year ago, he estimated a $1.5 billion surplus for the current fiscal year. Here is a chronological story of how the Federal deficit grows, according to Democrat Senator HARRY F. BYRD who placed the information in the CONGRESSIONAL RECORD recently:

1. On March 27, 1961, the Kennedy administration revised the estimate to call for a $2.1 billion deficit.

2. On May 28, 1961, the deficit estimate was revised to read $3.6 billion.

3. On July 25, 1961, the deficit estimate was revised to a new total of $5.3 billion.

4. On October 29, 1961, the deficit estimate was revised to $6.9 billion.

5. On January 18, 1962, the President in his budget message again revised the deficit estimate this time to $7 billion.

6. The latest monthly Treasury Department statement showed an actual deficit of $9.4 billion through the first 7 months of the fiscal year.

While the administration predicted the possibility of a balanced budget for fiscal 1963, we are now hearing predictions of a deficit of more than $2 billion even before the new year starts.

An analysis of the 19 major policy messages transmitted to the Congress by the President this year alone, makes the following picture clear:

1. Additional spending recommendations above and beyond the budgetary estimates in many areas.

2. Programs recommended but not carrying a price tag—the sum total of which might be very high indeed.

3. Many recommendations stretching out into a 3-, 5-, or 8-year fiscal period, with increased authorizations in the future weakening the future abilities of Congress to hold the line when these built-in programs are already on the books.

4. Even if only a fraction of these recommendations are enacted by Congress, they spell doom for a precariously balanced budget now and in years to come. If enacted today, the ultimate additional annual cost shows that close to $8 billion annually would be expended by fiscal year 1967 if Congress would enact the proposals of President Kennedy in just these few fields, to say nothing of an as yet indeterminate cost in increased agricultural, foreign aid, "consumer protection," and United Nations programs.

The fact is that in many instances the Democrat-controlled Congress not only passes all legislation recommended by the President, but, on occasion, also surpasses his figures.

It has become quite evident that within 5 years we will be spending $120 billion annually.

Even if the Congress stopped in its tracks today, and failed to enact one more program, the spending already committed—including debt interest, defense spending and the programs for which we are now committed—is in the neighborhood of $90 billion plus. But Congress will continue to operate, and the budget will increase over 30 percent, the national debt will increase over 10 percent, and our deficit gets bigger and bigger.

In the first 100 days of this congressional session, the House voted to spend $60 billion to operate five agencies of the Government during the next fiscal year, with appropriations for five others to be considered in the months ahead, as well as the President's request for another $5 billion for foreign aid.

In the current year, we are spending about $111 billion, which is $12 billion more than last year and $17 billion more than the year before. Even in World War II we never exceeded $100 billion.

We grow so accustomed to billions in Government financial affairs, I thought you would be interested in an illustration passed along to me by my colleague, Congressman FRANK T. BOW.

Mr. Bow says that if he could give his wife a million dollars, and tell her that she could spend it at the rate of $1,000 per day, she would be back in 3 years broke and asking for more money.

But if he gave her $1 billion, and told her to spend it at the same rate of $1,000 per day, he would not see her again for 3,000 years. That's how much a billion dollars is.

Whenever I read figures like this it is with the frustrated knowledge that to most people figures are boring—and on top of that—we are dealing with figures that are so astronomical that most people can't comprehend them. But, we ignore figures like this which are the symptoms of proof of our fiscal situation in America today. We ignore them at our own peril because there are many who believe, and I among them, that in the long run the big war—the cold war—that I refer to as war No. 1 in this speech will not be won on the battlefields of the world but in the markets of the world. And, you don't have to be a professional in economics to understand this conclusion, the war will be won by the nations that maintain a sound currency and prevent inflation and valueless paper currency.

Symptom 2: The destruction of personal incentive. Now, I could cite endless exam-

ples of the many actions taken by our Government in your lifetime and mine which have led to the erosion of personal incentive. The American tax system, alone, is a prime example and this, coupled with inflation, has led to a situation today where, no matter how competent and able a man is, he finds that the more hours he works the less he earns per hour; that he has reached that terrible point of almost no return where, for every additional dollar he earns, he can only take home less than one-tenth of it.

And the third symptom I wish to place in evidence is the trend toward what has been called political paternalism. Again, I will quote Mr. Lipscomb on this when he says, "These are the perpetual programs of private life by public plan."

Again and again, we have seen the whole sorry state of political paternalism paraded before us, the design for the nursemaid state, the plan for government by fairy godmother and the promise of heaven on earth through ballots cast on Capitol Hill.

Here is a philosophy that says that bigger and bigger appropriation bills in Congress or more laws can be the answer to our difficulties. There is the economic school of thought that seems to be gaining more strength with each year that everything will be provided if we simply turn over our problems, our salary checks, and our independence to political agents.

Under such philosophy, we have seen Federal outlays for civilian programs increase 83 percent in just the last 8 years of our life. Under this philosophy, we have now reached a point where over 40 million people who, with their families, account for roughly half of our population, now receive checks from the National Treasury.

These, I cite as three areas of evidence that at this point in our national history we are losing a war at home that we must win or we cannot possibly win the big one.

Do I think we can win it? Yes, as I indicated earlier, or I would not be here speaking to you today. I think you will find that most of those who serve you in public office and who are as concerned as I am about these things continue their service, because of the situation, not in spite of it, discouraging and frustrating as it certainly becomes oftentimes.

And this is where we raise the curtain on act II and "enter the women." There are many things we can do in this Nation of ours to reverse these tragic trends into which we have been drifting, but I am going to just mention those areas where I think women are especially equipped to do the job.

Now, one of the reasons we are losing the war at home is that practically nobody is fighting wholeheartedly on the side of the forces that would keep us strong. I cannot think, and I am sure you cannot, of anyone who does not give lipservice to being diametrically opposed to fiscal irresponsibility in Government, to the weakening of personal incentive and more centralization of power in Government.

At least, he will say he is, and I believe when he says it he really is, until it comes to something that affects his own pocketbook and his own community.

When our defense in this war depends on people who fight on one side one day and on another side the next, then it is mighty weak, a divided loyalty that invites defeat.

And that brings me to a third battleground, then, the one that is going on inside us, because we cannot win that war until we decide and determine which side we are really on. Not which side we say we are on, which side we are really on. This is the war we have to win before we can win any of the others.

And, at the risk of making a comparison that might be interpreted as belittling the opposite sex, I state unequivocally here that I think women have special attributes that make it easier for them to resolve this inner conflict in the right way.

I say that because in this deep-down, inside ourselves war, women, by their very nature, are not as prey to the pressures for the desire of personal power, public advantage, and the appeal of the immediate benefit.

Another thing that is working against us in this war is that feeling of inertia on the part of some people, the reluctance to get involved or temptation to kid yourself that just one person does not make any difference.

Now, Mr. Motley defers to us women in this respect, and I quite agree with him. You give a woman a cause she believes in and she does not care how big an idiot she makes of herself, thank goodness. She'll fight for her cause alone if she has to. Because we women know that there is nothing that any man or woman on earth can do except individually.

From time immemorial, women have been the keeper of the moral standards for their families and their communities. Where our children are concerned, our churches, our communities, we have to practice what we profess to believe. We have to apply in private, in social and business life, the principles we publicly profess. So women are especially equipped to influence those around them to resolve their own inner conflict, to decide which side they are on.

After my few years in public office it has been becoming increasingly clear to me that one of the reasons, perhaps the main reason, that we fail to rally that widespread public opinion support that we need, to influence legislation in Congress is that the great majority of people just simply do not understand what is involved in the issue.

This is a complicated government of ours. It is a complicated modern life we lead. To put it as simply as I can, the American people have a difficult time, in this fast-moving society of ours, to connect cause and effect. Here is where I think women can do a great job, because they do like to get down to the meat of the matter. They can be articulate and they can use simple examples.

We have a simple, direct way of getting to the meat of a moral matter. As mothers when we raise children, we do not tell them this is a little bit bad or a little bit good. It is black and white. This is bad. This is good.

I think women are trained by experience, and have a God-given ability as mothers of the race, to get down to the principles involved in an issue, and we like to use simple, homely examples in getting our point across.

We are aware of how confused people get on the big figures involved in government and the spending of billions of dollars. But most women can put it to other women very simply, because it is based on what happens in their households all their lives.

"If you spend more than you have coming in, you get in real bad trouble."

One other point, women project the wecare image. I spoke of how we have been drifting into the state of political turbulence, private life by public plan. Now, this has been very easy to do in recent years, because to the beholder so many of these planned government programs sound so humane. You are helping your neighbor in distress; you are taking care of things we care terribly about, old people and children. It is very difficult to combat this type of government program, no matter how dangerous the principle involved.

It has been said, "Anything which has a charitable sound and a kind-hearted tone generally passes without investigation, because it is disagreeable to assail it. Whatever may be one's private sentiments, the fear of appearing cold and hardhearted causes conventional theories of social duty and assumptions of social fact to pass unchallenged."

Let me use this as an example: Apply this philosophy to the medical care for the aged program where the real issue is socialized medicine; the Federal aid to education where the real issue is Federal control of schools; these programs that we have before us now in Congress.

Now, most of the individuals in the groups who have had to take the responsibility or the lead in opposing these programs on the basis of principle have only earned for their efforts an indictment that they are self-seeking; that they do not really care; that they are fighting for their selfish interests only. For most of them, like the American Medical Association, the indictment can stick just by virtue of the fact that they are doctors.

And this is where I say women can do a terrific job in making the leadership fight against those programs of political paternalism, no matter how good they sound, because I certainly think that women today as women can escape the indictment that they had lack of sympathy for children or old people or have purely selfish interests.

Throughout the history of our country, women have felt that, as long as there were humane needs that were not being met, they should be constructively concerned. But women are practical, too, and are especially equipped to explain to others why they fight those solutions to our problems that ask that we abandon and destroy the very system that gave us our multitudinous blessings in this America.

Well, I have touched on three interrelated wars in which every American citizen is now involved. The international war, which cannot be won unless we win the war that is going on within our own country, which cannot be won unless each one of us in America decides in the battleground of his own mind which side he is on.

I have given you a few of my reasons why I believe it can be won if women would really, truly participate wholeheartedly, because they have the special attributes to turn what seems to be a pending defeat into victory.

In closing, I would like to touch on, very briefly, some specific suggestions on how you could be most effective in this battle. Actually, I can break it just roughly into two parts.

You can influence the thinking of those who represent you in public office and are making decisions on your behalf in government and then you can influence those around you to do the same.

Frankly, I don't think women need detailed instruction on how to influence the thinking of those within their own personal orbit. A woman can just naturally find the opportunity to have a short conversation on a vital subject with the postman in the morning, the cleaning lady at noon, and the girls at the bridge table at night. But, what are the most effective ways to influence those who represent you in public office?

1. Know your Representative. Make a point of meeting your Representative on home ground before he goes to Congress and wherever possible when he is home during recess. Your followup contacts will mean more to him if you have made the effort to make his acquaintance.

2. Learn how to write a good letter to your Congressmen. I know of no better advice in this area than that which Congressman RICHARD H. POFF of Virginia compiled and sent to his colleagues last January. Here are seven suggestions that he made:

"1. A letter is better than a phone call. It constitutes a written record for further reference.

"2. Make your letter brief. If possible, it should be confined to one page. Members receive an average of more than 100 letters every working day. With committee meetings scheduled at 10 a.m. and the House

session at noon, we have less than 2 hours a day to dictate. It is not necessary that letters be typewritten, and the form, phraseology and grammar are completely unimportant.

"3. Confine your comments to one subject for each letter. This exclusive treatment underscores the importance the writer attaches to the subject and demands a responsive and definitive reply. A letter with multiple subjects knocks the daylights out of our filing system and makes it difficult to compile total public sentiment on a given subject.

"4. Outline the reasons for your position. Nothing is more meaningless than a letter which simply demands that the Congressman "support H.R. 6345" or "vote against S. 2346." In the first place, the letter automatically indentifies itself as artificially inspired by some pressure group. Such a letter deserves no reply except a promise to study the measure. In the second place, an honest Congressman honestly wants to know the reasons on both sides of every issue, without which he cannot reach an honest decision. In the third place, you probably know a lot more about the practical effects of enactment or defeat of the bill than the Congressman.

"5. Don't insult your Congressman with promises or threats. A Congressman is a human being, and most are earnestly trying to do the right thing. A promise signifies the writer's belief that the Congressman can be bought; a threat, that he can be scared. Both are offensive. Both are self-defeating. However, constructive criticism is sincerely appreciated.

"6. A personal letter is better than a form letter or a signature on a petition. Many people will sign a petition without reading it just to avoid offending the carrier. Form letters are readily recognizable as such and register nothing more than the sentiments of the person who first prepared the form. Form letters receive form replies.

"7. Refuse to accept an unresponsive reply. If you have written a personal letter and given the Congressman the reasons for your position, you are entitled to know his position and the reasons for his position. However, in evaluating the reply you receive, you should bear in mind certain legislative facts of life: (1) There are always two sides to each issue; (2) right and wrong are not always exclusively on one side or the other; (3) each bill may contain many different parts and a number of different philosophical issues; (4) a bill seldom becomes law in the same form it was introduced; with 537 Members of the two Houses of the Congress, all statutes are the result of legislative compromise; bills may be amended in the committee or during floor debate in such drastic dimensions that the original issue will be emasculated before the vote on final passage. For those reasons, it is impossible for a Congressman to commit himself positively in advance to support or oppose a bill identified simply by a number or a catch title."

3. Widen your area of influence among local groups.

Persuade those groups you broaden to take some positive action on an issue and make it known to their Representatives in public office. In certain cases, a resolution might do the trick but never use the petition method.

4. Take an active part in the political party of your choice.

When you have been active in helping to elect a candidate to public office you won't own him but your opinion will certainly carry more weight with him.

5. Before you make any attempts to exert any influence in presenting a viewpoint to anyone, be sure you have read widely and intelligently on the subject on both sides of the issue.

Woman's role in our changing world in our Nation today is one of tremendous responsibility. The special and significant contribution that women have made in the past as citizens of the world have certainly served to prove that we have special and unique contributions to make to the future.

And I would like to reemphasize one last point. When you harness the new awareness and the knowledge that American women have today to political activity, you have a great national force to be reckoned with. Women do not know their own power yet. But, it is there. This means that, used correctly, this great strength could be the deciding factor on what happens to America in the future and in the world quite possibly since we are a leader of the free world community.

Ponder this carefully. Because if women fail to use this actual and potential strength by doing nothing, then women might, in the course of history, have to accept the terrible responsibility for the collapse of the free world and its philosophies. Women have a great stake in protecting America and the American way of life for their families. They have a great responsibility to assume the task of persuading other women to join them in the battle.

The greatness of this Nation is still in the independent and self-reliant individual citizen, and it may well be that we are the last bastion, the last hope, to protect this for ourselves and the world.

Thank you.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 16, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Matthew 7: 12: *Therefore whatsoever ye would that men should do to you, do ye even so to them.*

O Thou, who hast the wisdom to guide and the power to help, fill us with a sincere and deep concern that the Golden Rule must be one of positive action and practical application in our relationships to all the members of the human family.

Grant that in thought, word, and deed we may be the followers of the great Teacher who gave us this rule and proclaimed it as one of the royal laws of life which we should discipline ourselves to obey.

We humbly confess that we find it very difficult to accept and apply this principle of conduct, but we know that by Thy grace in our hearts we can manifest and maintain its splendor and strength.

Hear us in the name of our Lord and Master. Amen.

THE JOURNAL

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

THE BILLIE SOL ESTES CASE

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

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

There was no objection.

Mr. BATTIN. Mr. Speaker, the present scandal concerning the Department of Agriculture in the Billie Sol Estes matter is but one example of the high-handed attitude of the Department in dealing with the rights of not only the taxpayer but also elected officials in government. The faith that the farmers have had in the past in the Department has been shattered by the refusal on the part of the administration to call for a quick and thorough investigation of abuses.

To begin with, on March 9, 1962, three elected members of the Glacier County Agriculture Stabilization and Conservation Committee were suspended by the politically appointed State ASCS chairman because they refused to issue notice as directed by the State on what they felt was an erroneous productivity index for their county. Under the law these same three men were required to appeal their case to the same body that had suspended them and could take a direct appeal from there to a Mr. Emery E. Jacobs, who at that time was in charge of the ASCS office here in Washington. Mr. Jacobs, as you know, resigned his position and refused to appear before a Texas board of inquiry involving an investigation into the Billie Sol Estes matter. This arbitrary action, apparently condoned by Freeman, is tangible evidence that this administration is going to use every ounce of control it can get regardless of its effects on the processes of democracy or the welfare of the farmers involved.

Shortly we will be asked to consider farm legislation on the floor of this House which will give even more power and control to the Department. It will be difficult for the Members of this House to view this legislation with anything but skepticism, for the same people who are now charged with the wrongdoing will be the ones who would administer the program.

In fairness to the faithful servants of the Department of Agriculture who have done nothing wrong and who have tried to administer the programs according to the law without favoritism, we owe a special duty to seek out the culprits, if any there be, and clear the name of a Department that this year will celebrate its 100th anniversary.

I would urge that the chairman of the Committee on Agriculture call an immediate investigation using its full power of subpena and clear up the mess that is now rocking the Nation. At the same time I would urge that he hold hearings on a bill that I introduced that would require fair hearings, written charges, and follow established rules of evidence as well as an appeal to a court of law, now all absent from the procedure on dismissing elected county officials.

It is time to act now, rather than let time cast more doubt and suspicion upon the operation of the Department of