Trippe, president of Pan American World Airways, has long been known for his efforts in the cause of international good will.

We, of New York, are very proud of the fine work being done by the Civil Air Patrol and we are particularly proud that our fair city of New York is one of the host cities, just as is Washington, for these foreign cadets visiting the United States under the exchange program.

Mr. Speaker, I am pleased to list the States that have served as hosts to the foreign cadets. They are as follows: Alabama, Indiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, Virginia, and Wisconsin.

The following is a list of the countries that participated in the program: Belgium, Brazil, Canada, Chile, Denmark, El Salvador, France, Germany, Great Britain, Greece, Guatemala, Israel, Italy, Netherlands, Norway, Peru, Portugal, Spain, Sweden, Switzerland, and Turkey.

Finally, I want to include also the names of the distinguished guests at the head table at the dinner given by the Pan American World Airways:

HEAD TABLE SEATING ARRANGEMENT, CIVIL AIR PATROL DINNER, STATLER HOTEL, WASHINGTON, D.C., AUGUST 6, 1962

1. Mr. Ira D. Mackler, Wilson Co.
2. Col. Dan Evans, wing commander, National Capitol Wing.
3. Col. Edward F. McGinnis, American Legion.
4. Col. Daniel F. Boone, deputy regional commander, Civil Air Patrol.
5. Mr. C. William Martin, Jr., president, Pepsi Cola Bottling Co. of Washington.
6. Maj. Gen. Walter Agee, former national commander.
7. Mr. John R. O'Brien, vice president, Touchdown Club.
8. Mr. Robert G. Baker, secretary to the majority, U.S. Senate.
9. Representative JAMES MORRISON, Louisiana.
10. Col. Paul Ashworth, U.S. Air Force, national commander, Civil Air Patrol.
11. Senator HUBERT HUMPHREY, majority whip, U.S. Senate.
12. Adm. Harold Miller, vice president, Pan American World Airways.
13. Commissioner John B. Duncan, District of Columbia.
14. Representative VICTOR L. ANFUSO, New York.
15. Mr. Fred Black, Blyco Corp.
16. Representative CHARLES MCC. MATHIAS, Jr., Maryland.
17. Mr. Glen B. Eastburn, New York Airways.
18. Maj. Gen. Lucas V. Beau, former national commander.
19. Mayor Frank Mann, Alexandria, Va.
20. Col. Milton Kronheim, old friend of Civil Air Patrol.
21. Col. A. Paul Fonda, office, Assistant Chief of Staff of Reserved Forces.
22. Lt. Col. Wm. H. Schulie, special assistant to the national commander, New York phase.
23. Col. Barnee Breeskin, special assistant to the national commander, Washington, D.C.
24. Mr. Lincoln White, press officer, State Department.

SENATE

FRIDAY, AUGUST 10, 1962

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

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

Almighty and everlasting God, at this white altar of peace and quietness, where all divisive cries are stilled, we bow in reverence and humility, praying for the enthronement of brotherhood in all the earth.

May the instrumentalities of justice, mutual understanding, and cooperative endeavor being devised in these anxious, yet hopeful, days, be but the channels of Thy providence, bringing to fulfillment at last the ancient prophet's dream, "Violence shall be no more heard in Thy land, wasting nor destruction within Thy borders."

Save those who minister here from false choices; and guide their hands and minds to heal and bind, to build and to bless.

In the name of the One who maketh all things new, we pray. Amen.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Dr. Harvey Brooks, of Cambridge, Mass., to be a member of the National Science Board, National Science Foundation, which was referred to the Committee on Labor and Public Welfare.

CALL OF THE ROLL

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

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

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 149 Leg.]

Aiken	Gore	Mundt
Allott	Gruening	Muskie
Bartlett	Hartke	Neuberger
Beall	Hayden	Pearson
Bible	Hickey	Pell
Boggs	Hill	Prouty
Bottum	Holland	Proxmire
Bush	Hruska	Randolph
Butler	Humphrey	Robertson
Byrd, Va.	Jackson	Russell
Cannon	Johnston	Saltonstall
Capehart	Jordan, N.C.	Scott
Carlson	Jordan, Idaho	Smathers
Carroll	Keating	Smith, Mass.
Case	Kefauver	Smith, Maine
Chavez	Kerr	Sparkman
Church	Kuchel	Stennis
Clark	Lausche	Symington
Cotton	Long, Hawaii	Talmadge
Curtis	Long, La.	Thurmond
Dirksen	Magnuson	Tower
Dodd	Mansfield	Wiley
Douglas	McCarthy	Williams, N.J.
Eastland	McClellan	Williams, Del.
Ellender	McGee	Yarborough
Engle	Metcalf	Young, N. Dak.
Ervin	Monroney	Young, Ohio
Fong	Morse	
Fulbright	Moss	

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. BYRD], the Senator from Michigan [Mr. HART], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from Michigan [Mr. MCNAMARA], and the Senator from Rhode Island [Mr. PASTORE] are absent on official business.

I further announce that the Senator from New Mexico [Mr. ANDERSON] is necessarily absent.

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. GOLDWATER], the Senators from Iowa [Mr. HICKENLOOPER and Mr. MILLER], the Senator from New York [Mr. JAVITS], the Senator from Kentucky [Mr. MORTON], and the Senator from New Hampshire [Mr. MURPHY] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] is absent because of a death in the family.

The PRESIDENT pro tempore. A quorum is present.

COMMUNICATIONS SATELLITE ACT OF 1962—REPORT OF A COMMITTEE

Mr. FULBRIGHT. Mr. President——

The PRESIDENT pro tempore. The Chair recognizes the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, in accordance with the decision of the Senate of August 1, I send to the desk H.R. 11040, an act to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes.

The bill which I send to the desk is not at the moment accompanied by a committee report although it will bear today's number. Although the majority of the committee was prepared to submit a written report along with the bill which I have sent to the desk, as a matter of courtesy it was agreed that the minority should have until Monday noon in order to prepare its views so that they might be published jointly with the report of the committee.

At this time, Mr. President, I ask unanimous consent that the minority views may be printed with the report of the Committee on Foreign Relations on H.R. 11040.

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

Mr. FULBRIGHT. I take this opportunity, Mr. President, to call to the at-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

tention of Members of the Senate that a committee print of the bill is available for each Senator and that the printed hearings of the Committee on Foreign Relations have been available on the Senate floor since 10 a.m. this morning. Members of the Senate will be interested to know that the bill was reported without amendment by a vote of 13 to 4. Prior to this final vote, the committee gave careful consideration to some 13 amendments, inclusive of 2 amendments in the nature of substitutes. A rollcall was had on each of these amendments.

I commend to Members of the Senate the hearings compiled over a period of 5 days. The junior Senator from Alabama [Mr. SPARKMAN] presided over most of the hearings in my absence, and I am sure that Senators will find these hearings helpful. I call especial attention to those portions of the hearings when the committee examined the Secretary of State on the question of whether he felt the foreign policy interests of the United States were adequately taken care of in the bill now before the Senate.

I may add that, of course, rather unusual circumstances surrounded this bill, four other committees of the Congress having already passed upon the bill, and it having been subjected to considerable discussion in the Senate. While I think it is a first step in an uncharted sea, I personally think it is a good step, and one which will undoubtedly require changes and amendments in the future, but this is a very notable effort on the part of the Senate.

The PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11040) to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes.

Mr. MANSFIELD and Mr. KEFAUVER addressed the Chair.

The PRESIDENT pro tempore. The bill H.R. 11040, the communications satellite bill, having been reported to the Senate pursuant to the order of the 1st instant, it now, under that order, becomes the pending business.

The question is on the amendment heretofore proposed by Mr. LONG of Louisiana, for himself and other Senators, on page 33, line 12, and page 34, line 20.

The Chair recognizes the Senator from Montana.

Mr. MANSFIELD. Mr. President, under the terms of the unanimous-consent agreement entered into August 1, the Foreign Relations Committee of the Senate today reported H.R. 11040, the communications satellite bill. This achievement represents another milestone in the most remarkable history of this bill. No other bill in this session of the Congress has received the study or undergone the scrutiny of the Senate as has this bill. To date it has been thoroughly studied by five committees in the Senate alone, not including the policy committee, and by one in the House, and has been the subject of well over 3,000 pages of testimony that took 45 days to present. On the Senate floor this measure has consumed 308 pages of debate in 14 days, more than any other bill this year. I cite these figures only to show that the Senate has extended every conceivable courtesy to those who feel strongly about this bill and has patiently and willingly allowed them to express, and reexpress, their views. Much of the time and energy of this body, that of the House of Representatives, and the administration have been devoted to making this as good a bill as could be made.

The bill now comes before us for the third and, I hope, the final time this year. In the light of this generous legislative history, the Senate must now squarely face the question of whether it will legislate or vegetate.

The U.S. Senate has a decision to make. Simply stated, we must decide what instrument our Nation shall choose to find our way in space, specifically in the realm of space communications. It has been said that the democratic system of government moves too slowly to deal with the problems of a modern world. I do not believe that this is so. But I believe that the ultimate action or inaction taken by the Senate on this bill will tend to add proof or disproof to that unhappy theory. The Senate must decide what policy it chooses to follow. It may ultimately decide to adopt the space policy suggested by this bill, or it may reject that policy and adopt another, but it should at least choose a course of action.

I ask the Senate only to choose the course of action it deems best for our country. If the Senate chooses the course outlined by this bill, that may be a satisfactory solution. If the Senate chooses another course, that too will be a solution, but choose we should.

As majority leader in this body, I want to make clear that I have no special interest in or special knowledge of this measure beyond that of one Senator from the State of Montana. Indeed, now that the measure is before the Senate, the leadership anticipates that the Senator from Oklahoma [Mr. KERR], the Senator from Washington [Mr. MAGNUSON], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Alabama [Mr. SPARKMAN], each of whom was a key figure in the committees which studied this bill, will be in a position to set to rest any remaining substantive doubts on the merits of the issue.

The leadership will do whatever it can to enable the Senate to reach a decision. But once again I remind the Senate that the powers of the majority leader under the rules are no greater than the powers of any individual Senator. The leadership—this leadership—functions on the basis of the self-restraint of equal Members and mutual accommodation with equal Members. It is inclined to no other mode of operation.

It has been said—in the heat of debate, perhaps—that the leadership has been less than impartial in the procedural treatment of this situation as compared with that applied on the poll tax amendment and literacy test measure. Let me point out that the Senate passed the poll tax amendment on the 12th day of debate. And on the literacy test measure, after 13 days of debate on the floor, the second of two cloture attempts was made by the leadership. It did not even muster a simple majority of the Senate.

Today we begin the 15th day of debate on this bill. That and the extensive and exhaustive hearings by five committees and subcommittees add up to an extraordinary consideration of this measure, an extraordinary tolerance of full debate on this measure.

If legislative paralysis once again besets us, a motion for cloture may be in order. To choose that course, if it comes to that, will be the responsibility of the Senate, but the leadership will not be hesitant in recommending it to the Senate. In such an event the issue will be simply, are two-thirds of the Senators present and voting determined that a decision shall be made one way or the other?

Thus, in the next few days each Senator and the Senate as a whole must examine the responsibility which rests on this body. The leadership will attempt to do no more than suggest to the Senate that it is time to reach the point of rational decision under the rules. Whether the Senate is prepared to reach that point, the coming days will answer.

Mr. President, it is my understanding that the Senator from Oregon [Mr. MORSE] intends to move that the Senate proceed to consider the farm bill. It is my further understanding that if the motion is offered during the morning hour it will be in order and will be not debatable under the rules.

The Senator from Oregon will be entirely within his rights in this parliamentary maneuver to sidetrack the space satellite communications bill in favor of the farm bill. But I may say that the Senator from Montana will also be within his rights when he moves to table the maneuver.

The majority leader and the minority leader proposed a unanimous-consent agreement last week, which the Senate accepted in good faith. I think the implications of that agreement were clear. They were that the Senate would stay with the satellite communications bill until it was finally considered and disposed of.

The question of the farm bill arose at the time, and the majority leader made clear that, as far as he was concerned, it would await consideration until after the satellite communications bill had been taken up and resolved. For that course the majority leader takes full responsibility, and in keeping good faith with that understanding I will move to table the motion of the Senator from Oregon if it is made.

Mr. MORSE and Mr. GORE addressed the Chair.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Does the Senator from Montana yield; and, if so, to whom?

Mr. MORSE. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield to the Senator from Oregon.

Mr. MORSE. I wish to advise the majority leader that my first motion will be a motion that the Senate proceed to

the consideration of Senate Resolution 24, which is the Morse antifilibuster resolution. I would be very happy to offer that motion now, if the Senator from Montana, my majority leader, wishes to follow the parliamentary course that he has described, but I intend in due time to make the motion to proceed to consider the Morse antifilibuster resolution. If I am defeated in that—and I hope I shall not be—I then shall move that the Senate proceed to consider the farm bill.

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

The PRESIDING OFFICER. Does the Senator from Montana yield?

Mr. MANSFIELD. I yield to the Senator from Tennessee.

Mr. GORE. Since it was through negotiations between the distinguished majority leader and the junior Senator from Tennessee that an agreement was worked out, which ultimately was translated into a unanimous-consent action by the Senate, I should like to state some reservation to the statement which the majority leader has made with respect to good faith. The extent of the understanding which I had, and which I conveyed to the group with which I was associated, was that the unanimous-consent agreement would be for the bill to be reported to the Senate not later than 12 o'clock noon on Friday, today. I did not understand that this unanimous-consent agreement—that the bill be reported to the Senate and that, upon its having been reported, it become the pending business of the Senate, would in any way affect the morning hour, or any other motion which a Senator might have a right to make under the parliamentary rules of the Senate.

I felt, in fairness to my colleagues and to the majority leader, so that the Senate may understand the extent of my understanding, that I should make this statement to the Senate and to the majority leader.

Mr. MANSFIELD. Mr. President, the Senator from Tennessee is an honorable man, and he has stated the facts as he understands them. I think he is correct.

May I point out that during the course of the debate, following the agreement reached between the two sides, I stated at that time as one means of getting the unanimous-consent agreement that we would stay with this measure until it was disposed of in one way or another, before any other measure was taken up. I think that ought to be emphasized, too.

Mr. GORE. I recall that. I merely wished to point out the distinction. This did occur in the colloquy, but it was not involved in the agreement between the distinguished majority leader and the junior Senator from Tennessee.

Mr. MANSFIELD. I am sure the Senator is correct.

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

The PRESIDING OFFICER. Does the Senator yield?

Mr. MANSFIELD. I yield to the senior Senator from Tennessee.

Mr. KEFAUVER. Feeling the urgency of the matter which has been discussed off and on for several days—which I feel would not take very much time or delay the further consideration of the satellite communications bill to any appreciable extent, beyond only a few hours—I felt that I should at least give the Senate an opportunity to consider the drug bill, S. 1552, which has been on the calendar for about a month. So I had in mind, when I could get recognition, at the appropriate time, to move that the Senate proceed to the consideration of S. 1552.

Mr. MANSFIELD. Mr. President, the Senator from Tennessee has reiterated once again the interest which he has shown consistently, but over the past several days to a greater degree than usual. He has stated that the drug bill has been on the calendar for over a month. I believe if Senators will look at the calendar, they will see that the bill was reported on the 19th of last month.

The first policy committee meeting held since that time was last Tuesday. At that time the drug bill was brought up for consideration and the policy committee gave the chairman of that committee the right to bring the bill to the floor of the Senate as soon as the Committee on the Judiciary had completed consideration of amendments which had been sent down by the President of the United States.

It was the understanding of the policy committee that last week the President of the United States called the distinguished chairman of that committee, the Senator from Mississippi [Mr. EASTLAND] to the White House to discuss the amendments. It was the understanding of that committee that hearings on those amendments had been begun on Monday last. It was the desire of the leadership, if the amendments were agreed to in the committee, and if the chance of passage was at least 50–50, to call up that bill, if it could be passed before the communications satellite bill was laid down at noon today.

I assure the Senator from Tennessee that he has no monopoly on interest in the bill. The Senate as a whole, and the policy committee in particular, are aware of the importance of the bill. I think the policy committee acted equitably and with dispatch. Following the proper procedure, we were waiting for the Committee on the Judiciary to report the amendments which had been sent down by the President of the United States.

Again in all frankness I say that if there had been any chance that consideration of the bill could have been completed, insofar as the amendments are concerned, in the Judiciary Committee and it could have been considered on the floor of the Senate before 12 o'clock noon today, it was the intention of the leadership to call up that bill. However, circumstances had arisen prior to that time which were beyond the control of the leadership. Pledges had been made, and pledges are made not to be disregarded but to be honored.

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

Mr. KEFAUVER. Mr. President, will the Senator yield further?

Mr. MANSFIELD. I yield to the Senator from Mississippi.

Mr. EASTLAND. Mr. President, we had hoped to finish consideration of the drug bill today. We lacked consideration of three amendments. That is all. This morning we lost a quorum. The Senator from Tennessee was one of those who left the meeting. He asked to be recorded in favor of the remainder of the amendments. As I understand, there was objection from the Senator from Oregon to a request that the committee be authorized to meet this afternoon. We had hoped to finish consideration of the drug bill today, and I think we would have finished it today.

Mr. KEFAUVER. Mr. President, will the Senator yield further?

Mr. MANSFIELD. I yield.

Mr. KEFAUVER. I am sure the majority leader will recall that I stated earlier the bill was not returned to the Committee on the Judiciary.

Mr. MANSFIELD. That is correct.

Mr. KEFAUVER. The bill has remained on the calendar. The President sent several very worthwhile amendments to Congress, some of which had originally been in the bill when the bill was before the Subcommittee on Antitrust and Monopoly Legislation. It is good to have the Committee on the Judiciary consider amendments which in the main it had considered previously when the bill was considerably changed some 2 months ago.

I urge that consideration by the Committee on the Judiciary should not hold up consideration of the bill on the floor of the Senate, because the amendments are fairly simple. Most of them were in the bill once before. The Senate as a whole is a less technical and a less judicial forum in which to try to obtain expeditious consideration of the amendments. I do not think there would have been much controversy about them on the floor of the Senate because they had been worked over several times. They are fairly clear. I think the Senate itself is capable of passing on the two or three remaining amendments.

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

Mr. MANSFIELD. Mr. President, I will yield in a moment.

REQUEST FOR COMMITTEE MEETING DURING SESSION OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations be permitted to meet during the sessions of the Senate while conducting hearings on the Billie Sol Estes case.

Mr. MORSE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

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

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. Before going to more pleasant things, I recall to Senators that last night we had probably more than an hour's discussion on the drug bill.

At approximately 8 o'clock last evening I asked permission for the Committee on the Judiciary to sit during the session of the Senate today in the belief, as confirmed by the distinguished chair-

man, that we could finish consideration of all the amendments and have them offered as committee amendments to the bill which is now on the calendar.

The distinguished Senator from Oregon [Mr. MORSE] objected, which was his right under the rule. I rushed away from the committee this morning to come over prepared to renew the request. I went to see the distinguished Senator from Oregon [Mr. MORSE]. He said he would object to all committee meetings while the matter now pending before the Senate was in process of disposition. I said I thought he was unfair. I reassert the statement for the following reason. There was nothing implicit in the understanding when the satellite bill went to the Committee on Foreign Relations that there went with it unanimous consent for the committee to meet. At no time did I ever raise any objection. Now the Committee on the Judiciary, being prepared to dispose of the question this afternoon, in our judgment, cannot meet because the Senator from Oregon has indicated to me very firmly that he intends to object. I shall not discuss the drug bill any further.

CHARLES L. WATKINS, PARLIAMENTARIAN OF THE SENATE, 83D BIRTHDAY

Mr. DIRKSEN. Mr. President, in the year 1879 a boy was born at Mount Ida, Ark. He went through school, law school, and ultimately he found himself on the Senate payroll in the strange capacity of a classified laborer. In fact, he was no laborer at all. He was a stenographer to the distinguished Senator from Arkansas, James P. Clarke.

In 1904 he came to Washington. Then in 1914 he went to the office of the Secretary of the Senate. I think he has filled every station at the front bench—bill clerk, journal clerk and, because of his familiarity with the Senate rules, he became an informal adviser to Senators and to the Chair on the interpretation of the Senate rules.

Senators may well suspect that I am talking about the distinguished Parliamentarian of the Senate, Mr. Watkins. Strangely enough, we did not create the job of Parliamentarian until 1935. Mr. Watkins has been the Parliamentarian of the Senate from that time to the present.

I allude to all that information for a reason. Today is his birth anniversary. He is 83 years of age. What a grand character he is. What a deep impress he has made upon the orderly procedure of the Senate and upon the destiny of our country.

Mr. Watkins is a godly man. For 40 years he has been the secretary of the Sunday school of his church. What a glowing record. That was continuous service. He is a gentle man. He is an impartial man. He is a fair man. Above all else, he is a modest man.

His modesty reminds me of the young man who was taking a lady friend on a sleigh ride. She had her cap set for him, and she was quite aggressive. But he was the very soul of modesty. After a long sleigh ride she finally blurted out, "Nobody loves me any more and my hands are cold."

Well, this soul of modesty bethought of the observation for a moment and finally he said very circumspectly, "I am sure the Lord loves you, and you can sit on your hands." [Laughter.]

That is the modesty of our distinguished friend from Arkansas.

So I suggest that the Senate rise, if I may make such a suggestion, in salute to a great public servant, who has served us so long and so faithfully.

[Applause, Senators rising.]

Mr. MANSFIELD. Nothing could be added to what the distinguished minority leader has said. I intend to delay what I have to say in my admiration of our distinguished Parliamentarian so that Senators wishing to make motions may do so.

Mr. MORSE. Mr. President, I wish to comment on the remarks of the Senator from Illinois in regard to committee meetings. Before I do so I wish to say to my great teacher, Charles Watkins, that I am sorry that I have been such a poor student of his so many times, because I have flunked some of his teachings from time to time. Whatever I do know about the rules of the Senate, if anything, I have learned from this great teacher. Anything I do not know should not be charged against him. I wish to join in extending to Charles Watkins my hearty congratulations for his being so faithful in presiding over the parliamentary problems of the Senate.

Mr. KEATING. Mr. President, I join my colleagues today in wishing our esteemed Parliamentarian, Charlie Watkins, a most happy 83d birthday. It is often said that life begins at 80. If this age-old maximum is accepted, as I think it is by every one of us, then we must all acknowledge that our fine and distinguished Parliamentarian is today but 3 years old—celebrating his third year of really living.

Some people wonder what makes the Senate tick; even some of us who labor here do at times. We get tied up with filibusters; legislation gets bottled up so that the backlog seems insurmountable; but I can say this: If it were not for Charlie Watkins, we never could have gotten this far.

Let us make Charlie Watkins, a sprightly 83 today, an example we all can emulate when we reach that milestone in life. May we act as young, be as exuberant, and look as age proof and time defying as he does.

I take this opportunity to wish our distinguished Parliamentarian a very happy birthday; and may his joy have no amendments.

ORDER OF BUSINESS

Mr. MORSE. Mr. President, I wish to say that the minority leader has reported correctly that I objected to the meeting of the Judiciary Committee today. There were various reasons why I objected. One is that the drug bill should come to the floor of the Senate. It can come to the floor of the Senate at any time that the Senate wants to bring it to the floor. The Senator from Tennessee is quite right. What is remaining for action in the Judiciary Committee could be handled here on the floor of the Senate. We all know this issue, and the committee could be discharged so that the bill could be brought to the floor of the Senate.

I would prefer to have it first acted on by the Judiciary Committee. I know of nothing that stops the Judiciary Committee from meeting mornings, unless the Senate is in session. The responsibility for the Senate being in session in the morning will not be mine, I assure the Senate. The leadership of the Senate can give the Judiciary Committee ample time to meet mornings.

I know of no reason why the Judiciary Committee cannot meet evenings. The Senate being in session in the evenings will not be a responsibility of mine, I can assure the Senators.

I believe there should be quick action taken on the bill.

Let us come to the crux of the matter. I am objecting to committee meetings until the communications bill is disposed of, one way or another. That is provided for in the rules. We all know we are engaged in a parliamentary contest in regard to the communications bill. It is up to the leadership to decide how long it wants to stay in session this year. Having the right under the rules to object to committee meetings—and I believe the rule was put in the rule book for a good purpose—I have always thought that committees should not meet while the Senate is in session. I have always favored a rescheduling of the Calendar of the Senate, whereby the Senate would meet at the beginning of the session for a couple of days a week, and on the other days of the week the committees could meet; then increase the sessions of the Senate as the session continues, and the committee work of the Senate has been completed. I believe that is a sound procedure. I am sorry the Senate has not adopted that type of reform in the Senate, which some of us have been proposing for years.

I do not take the responsibility for the position I take on the parliamentary problem that confronts us. While the discussion of the satellite bill is underway, the senior Senator from Oregon does not intend to give unanimous consent for committee meetings while the Senate is in session.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The communications satellite bill, with an amendment proposed thereto by the distinguished junior Senator from Louisiana [Mr. LONG].

Mr. MORSE. I send to the desk a motion that the Senate proceed to the consideration of Senate Resolution 24, the so-called Morse antifilibuster resolution.

Mr. MANSFIELD. Mr. President——

The PRESIDING OFFICER. The clerk reports that the matter is not in his possession, but is still in the Committee on Rules and Administration. The motion, therefore, is not in order. The Senator from Montana is recognized.

Mr. MANSFIELD. The question I was about to put to the Chair has been answered.

Mr. MORSE. Mr. President, I move that Senate Resolution 24 be taken from the committee and be made the pending business of the Senate.

Mr. MANSFIELD. I move to table that motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana to table the motion made by the Senator from Oregon.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

Mr. DOUGLAS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. BYRD], the Senator from Michigan [Mr. HART], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from Michigan [Mr. MCNAMARA], and the Senator from Rhode Island [Mr. PASTORE] are absent on official business.

I further announce that the Senator from New Mexico [Mr. ANDERSON] is necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia [Mr. BYRD], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from Rhode Island [Mr. PASTORE], and the Senator from New Mexico [Mr. ANDERSON] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. GOLDWATER], the Senators from Iowa [Mr. HICKENLOOPER and Mr. MILLER], the Senator from New York [Mr. JAVITS], the Senator from Kentucky [Mr. MORTON], and the Senator from New Hampshire [Mr. MURPHY] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] is absent because of a death in the family.

If present and voting, the Senator from Arizona [Mr. GOLDWATER], the Senator from Iowa [Mr. MILLER], and the Senator from New Hampshire [Mr. MURPHY] would each vote "yea."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from New York [Mr. JAVITS]. If present and voting, the Senator from Utah would vote "yea," and the Senator from New York would vote "nay."

The result was announced—yeas 70, nays 14, as follows:

[No. 150 Leg.]

YEAS—70

Aiken	Curtis	Jordan, N.C.
Allott	Dirksen	Jordan, Idaho
Beall	Dodd	Kerr
Bible	Eastland	Kuchel
Boggs	Ellender	Lausche
Bottum	Engle	Long, Hawaii
Bush	Ervin	Long, La.
Butler	Fong	Magnuson
Byrd, Va.	Fulbright	Mansfield
Cannon	Hickey	McCarthy
Capehart	Hill	McClellan
Carlson	Holland	McGee
Carroll	Hruska	Metcalf
Chavez	Humphrey	Monroney
Church	Jackson	Mundt
Cotton	Johnston	Muskie
Pearson	Smith, Mass.	Wiley
Pell	Smith, Maine	Williams, N.J.
Prouty	Sparkman	Williams, Del.
Randolph	Stennis	Yarborough
Robertson	Symington	Young, N. Dak.
Russell	Talmadge	Young, Ohio
Saltonstall	Thurmond	
Smathers	Tower	

NAYS—14

Bartlett	Gruening	Moss
Case	Hartke	Neuberger
Clark	Keating	Proxmire
Douglas	Kefauver	Scott
Gore	Morse	

NOT VOTING 16

Anderson	Hart	Miller
Bennett	Hayden	Morton
Burdick	Hickenlooper	Murphy
Byrd, W. Va.	Javits	Pastore
Cooper	Long, Mo.	
Goldwater	McNamara	

So Mr. MANSFIELD's motion to lay Mr. MORSE's motion on the table was agreed to.

Mr. HUMPHREY. Mr. President, I move that the vote by which the motion to lay on the table was agreed to be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, there is another motion which I wish to make. However, before making it, I wish to say that I am very much disappointed that my previous motion was laid on the table, although I would be less than honest if I did not say that that action came as no surprise, for always before I engage in prolonged debate in the Senate, I offer the Morse antifilibuster resolution or pledge my support to the Douglas antifilibuster resolution or to the Clark antifilibuster resolution or to the antifilibuster resolution which the great Senator Herbert Lehman used to submit, or to the antifilibuster resolution which the late great Senator Dick Neuberger, of Oregon, used to submit, because I always hope that perhaps sometime the Senate will come to grips with the matter of changing rule XXII, so that the minority will be fully protected from being ridden over, roughshod, by a galloping majority at any particular time.

But now the Senate has spoken again on the Morse antifilibuster resolution.

THE FARM BILL

Mr. MORSE. Mr. President, Now I turn to another measure which I think should be given precedence over the pending bill—returning to the pending bill as soon as these two or three very emergency pieces of legislation are taken care of.

As the Senate knows, Mr. President, I do not think we should postpone any further the consideration of the farm bill. Therefore, Mr. President, I move that the Senate proceed to the consideration of House bill 12391, the farm bill; and as I make my motion, I raise a parliamentary inquiry. I believe the bill should be read by the clerk; and I ask, as a parliamentary inquiry, whether I am entitled to have the bill read as I make my motion.

The PRESIDING OFFICER. Under the rules, the Senator is entitled to have the title of the bill read, but not the body of the bill.

Mr. MORSE. Mr. President, I send to the desk my motion; I move that the Senate proceed to the consideration of House bill 12391, the farm bill.

The PRESIDING OFFICER. The motion of the Senator from Oregon is not debatable.

Mr. MANSFIELD. Mr. President, I move that the motion of the Senator from Oregon be laid on the table.

The PRESIDING OFFICER. The Senator from Montana has moved that the motion of the Senator from Oregon be laid on the table.

Mr. MORSE. Mr. President, on this question, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Obviously there is a sufficient second, and the yeas and nays are ordered.

The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] to lay on the table the motion of the Senator from Oregon [Mr. MORSE] that the Senate proceed to the consideration of House bill 12391, the farm bill. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. BYRD], the Senator from Michigan [Mr. HART], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from Michigan [Mr. MCNAMARA], and the Senator from Rhode Island [Mr. PASTORE] are absent on official business.

I further announce that the Senator from New Mexico [Mr. ANDERSON] is necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia [Mr. BYRD], the Senator from Arizona [Mr. HAYDEN], and the Senator from Missouri [Mr. LONG], would each vote "yea."

On this vote, the Senator from North Dakota [Mr. BURDICK] is paired with the Senator from Rhode Island [Mr. PASTORE]. If present and voting, the Senator from North Dakota would vote "nay," and the Senator from Rhode Island would vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. GOLDWATER], the Senators from Iowa [Mr. HICKENLOOPER and Mr. MILLER], the Senator from New York [Mr. JAVITS], the Senator from Kentucky [Mr. MORTON], and the Senator from New Hampshire [Mr. MURPHY] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] is absent because of a death in the family.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], the Senator from Iowa [Mr. MILLER], and the Senator from New Hampshire [Mr. MURPHY] would each vote "yea."

The result was announced—yeas 69, nays 15, as follows:

[No. 151 Leg.]

YEAS—69

Aiken	Fong	Monroney
Allott	Fulbright	Mundt
Beall	Hartke	Muskie
Bible	Hickey	Pearson
Boggs	Hill	Pell
Bottum	Holland	Prouty
Bush	Hruska	Randolph
Butler	Humphrey	Robertson
Byrd, Va.	Jackson	Russell
Cannon	Johnston	Saltonstall
Capehart	Jordan, N.C.	Scott
Carlson	Jordan, Idaho	Smathers
Case	Keating	Smith, Mass.
Chavez	Kerr	Smith, Maine
Church	Kuchel	Sparkman
Cotton	Lausche	Stennis
Curtis	Long, Hawaii	Symington
Dirksen	Magnuson	Talmadge
Dodd	Mansfield	Thurmond
Eastland	McCarthy	Tower
Ellender	McClellan	Wiley
Engle	McGee	Williams, N.J.
Ervin	Metcalf	Williams, Del.

NAYS—15

Bartlett	Gruening	Neuberger
Carroll	Kefauver	Proxmire
Clark	Long, La.	Yarborough
Douglas	Morse	Young, N. Dak.
Gore	Moss	Young, Ohio

NOT VOTING 16

Anderson	Hart	Miller
Bennett	Hayden	Morton
Burdick	Hickenlooper	Murphy
Byrd, W. Va.	Javits	Pastore
Cooper	Long, Mo.	
Goldwater	McNamara	

So the motion to lay on the table was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMERCIAL COMMUNICATIONS SATELLITE SYSTEM

The Senate resumed the consideration of the bill (H.R. 11040) to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes.

Mr. KEFAUVER. Mr. President, I send to the desk a motion, and ask that it be read.

The PRESIDING OFFICER. The motion will be read.

The LEGISLATIVE CLERK. The Senator from Tennessee [Mr. KEFAUVER] proposes:

I move that the Senate proceed to the consideration of Senate 1552, the Drug Industry Act of 1962.

Mr. MANSFIELD. Mr. President, I move to table the motion of the Senator from Tennessee.

Mr. KEFAUVER. Mr. President——

Mr. DIRKSEN. Mr. President, that motion is not debatable.

The PRESIDING OFFICER. The motion has been made by the Senator from Montana to table the motion. The question is not debatable.

Mr. DOUGLAS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. BYRD], the Senator from California [Mr. ENGLE], the Senator from Michigan [Mr. HART], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from Michigan [Mr. MCNAMARA], and the Senator from Rhode Island [Mr. PASTORE] are absent on official business.

I further announce that the Senator from New Mexico [Mr. ANDERSON] is necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia [Mr. BYRD], the Senator from California [Mr. ENGLE], the Senator from Arizona [Mr. HAYDEN], and the Senator from Missouri [Mr. LONG] would each vote "yea."

On this vote, the Senator from North Dakota [Mr. BURDICK] is paired with the Senator from Rhode Island [Mr. PASTORE].

If present and voting, the Senator from North Dakota would vote "nay" and the Senator from Rhode Island would vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. GOLDWATER], the Senators from Iowa [Mr. HICKENLOOPER and Mr. MILLER], the Senator from New York [Mr. JAVITS], the Senator from Kentucky [Mr. MORTON], and the Senator from New Hampshire [Mr. MURPHY] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] is absent because of a death in the family.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. GOLDWATER], the Senator from Iowa [Mr. MILLER], and the Senator from New Hampshire [Mr. MURPHY] would each vote "yea."

The result was announced—yeas 70, nays 13, as follows:

[No. 152 Leg.]

YEAS—70

Aiken	Hartke	Pearson
Allott	Hickey	Pell
Beall	Hill	Prouty
Bible	Holland	Randolph
Boggs	Hruska	Robertson
Bottum	Humphrey	Russell
Bush	Jackson	Saltonstall
Butler	Johnston	Scott
Byrd, Va.	Jordan, N.C.	Smathers
Cannon	Jordan, Idaho	Smith, Mass.
Capehart	Keating	Smith, Maine
Carlson	Kerr	Sparkman
Case	Kuchel	Stennis
Chavez	Lausche	Symington
Church	Long, Hawaii	Talmadge
Cotton	Magnuson	Thurmond
Curtis	Mansfield	Tower
Dirksen	McCarthy	Wiley
Dodd	McClellan	Williams, N.J.
Eastland	McGee	Williams, Del.
Ellender	Metcalf	Young, N. Dak.
Ervin	Monroney	Young, Ohio
Fong	Mundt	
Fulbright	Muskie	

NAYS—13

Bartlett	Gruening	Neuberger
Carroll	Kefauver	Proxmire
Clark	Long, La.	Yarborough
Douglas	Morse	
Gore	Moss	

NOT VOTING—17

Anderson	Burdick	Cooper
Bennett	Byrd, W. Va.	Engle
Goldwater	Javits	Morton
Hart	Long, Mo.	Murphy
Hayden	McNamara	Pastore
Hickenlooper	Miller	

So Mr. MANSFIELD'S motion to table Mr. KEFAUVER'S motion to consider S. 1552 was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, is the Chair aware of the possibility of any proposals being offered at this time during the morning hour?

The PRESIDING OFFICER. The Chair has no information that any other proposals may be offered, though such proposals may be in order.

Mr. MANSFIELD. Mr. President, we have had votes on two or three measures during the morning hour, strictly within the rules and according to the procedures of the Manual of the Senate. They indicate that so far as authority and power is concerned, each individual Senator has as much power, authority, and responsibility as the majority and the minority leaders. As I have stated before, we operate on the basis of courtesy, self-restraint, and accommodation. What has occurred is an illustration of what any individual Senator can do. The leadership did not seek to call up certain bills this morning; individual Senators did. I hope that the Senate will be aware of that fact, because it emphasizes that the responsibility for any proposed legislation is not primarily the responsibility of the leadership but is primarily and absolutely the responsibility of each Senator and the Senate as a whole.

THE DRUG STORY IS NOW TOLD

Mr. DIRKSEN. Mr. President, this morning on the front page of the Washington Post is the announcement by Secretary Celebrezze of new regulations to be issued by the Food and Drug Administration as a result of the thalidomide incident. Here is the drug story as it should have been related long ago. No new legislation was needed for the issuance of these regulations. The Food and Drug Administration already has this power and has had it for a long time under existing law.

Mr. George Larrick, Commissioner of the Food and Drug Administration, on three different occasions while sitting this week with the Senate Judiciary Commitee in its consideration of Presidential suggested amendments to the drug bill which was reported by the committee and has been on the Senate Calendar since July 19, stated that the Food and Drug Administration did have authority to issue much more restrictive regulations but that for reasons unknown to him this authority was never exercised.

What an amazing situation that the legislative authority has always been there but has never been used. Here is an unparalleled example of bureaucratic inertia.

I ask unanimous consent to have printed at this point the article from the Washington Post and also an article from the New York Times.

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

[From the Washington Post]

REGULATIONS PROPOSED TO AFFORD TIGHTER CONTROL OVER DRUG TESTS

(By Gardner L. Bridge)

The Government yesterday proposed a series of new regulations that would give it tighter control over drug testing.

One key proposal would give the Food and Drug Administration authority to halt a test if a substantial doubt developed as to the safety of the drug. The agency has no such authority now.

The proposed regulations, which will not go into effect for at least 60 days, were announced by Secretary of Health, Education and Welfare Anthony J. Celebrezze.

They were drafted in the wake of widespread concern over the new sedative thalidomide, which has been blamed for thousands of birth malformations in Europe, and President Kennedy's statement that "we ought to be tougher" with new-drug rules.

Celebrezze said the regulations were drawn with the dual purpose in mind of protecting the public against risks while at the same time imposing no unneeded restrictions on the conduct of investigational research.

The new rules would require:

That the Food and Drug Administration be put on notice and given the full details about the distribution of drugs for investigational use.

That clinical investigations involving human patients be based on adequate preclinical studies to assure safety.

That the clinical investigations themselves be properly planned and executed by qualified investigators, and that the Food and Drug Administration be kept fully informed during the progress of the investigations.

"Once a clinical investigation had been undertaken, if a substantial doubt developed as to the safety of the drug, the Food and Drug Administration and all investigators using the drug would be notified immediately," the statement said. "If necessary, the trial would be halted by FDA."

Present regulations do not require either an initial notice to the FDA of a clinical trial of a new drug or subsequent reports on its use.

One proposed new rule which may run into criticism in medical circles would require the drug manufacturer sponsoring the test to provide the FDA with the names and a summary of the training and experience of each investigator-physician.

John L. Harvey, Deputy Commissioner of Food and Drugs, told a reporter he did not expect any trouble "from what might be regarded as established and qualified investigators.

"But I would expect some questions to be raised about requiring a report on the qualifications of the investigators," he said, adding:

"It may be argued that every doctor is a qualified investigator."

Harvey said the proposal to require reports is "designed to increase the certainty that investigational drugs are handled with the maximum of safety by persons qualified to make the investigation."

In the case of new-drug investigations already underway, the proposed regulations would require prompt reporting to the FDA of information showing that these tests may be safely continued. Failure to submit such a report would automatically cancel the authority for the investigation.

One of the proposed rules says: "Where the clinical investigation involves use on infants or pregnant women, special assurance of safety for such use would be required."

[From the New York Times, Aug 10, 1962]

DRUG PRODUCERS WARY OVER CURBS—MOST BAR COMMENT PENDING STUDY OF U.S. PROPOSALS

The pharmaceutical industry generally took a wary attitude yesterday toward the Federal Government's proposed new regulations on the clinical testing of drugs.

Most of the drug houses that were questioned about the matter declined to comment. They pointed out that they had not seen an official copy of the regulations, announced yesterday, or had read about them only in newspaper accounts.

It seemed unlikely, however, that individual members of the drug industry would comment on this matter publicly before registering their views with the Food and Drug Administration. They have 60 days to do that before the regulations go into effect.

An indication of what the industrywide reaction to the proposals might be came from a statement issued by the Pharmaceutical Manufacturers Association in Washington, which represents the collective interests of the drughouses.

WILL SUBMIT COMMENTS

"Detailed comments on additional Federal controls over drug testing as proposed today by the Food and Drug Administration will be filed subsequently with that agency by the Pharmaceutical Manufacturers Association," the statement said.

"Those comments will reflect the judgment of responsible research scientists and others in the prescription drug industry.

"Final regulations, which obviously reduce substantially the need for additional legislation, must be promulgated in such a way as not to cause withholding from the medical profession of new drugs which may save lives or alleviate suffering."

Another indication of the industry's cautious attitude toward the proposed regulations came from a company scientist who has had considerable experience in testing drugs in the laboratory and clinically, or on patients.

He noted that most members of the industry had for a long time and as a matter of course given the Government information that some of the new regulations would require.

SUMMARIES REQUIRED

He was referring to the proposed requirements for a summary of all preclinical investigations, including animal studies; the need to indicate a reasonable degree of safety for use in human tests, and the providing of the names and summaries of training and experience of proposed clinical investigators.

On the other hand, the proposed requirement for special assurances of safety when the use of a drug would involve infants or pregnant women is new.

This proposal reflects more than any other the incident that prompted the Government's action, namely the birth of thousands of malformed infants to women in Europe who had taken a sedative, thalidomide.

The pharmaceutical scientist said that he and other more authoritative workers in the field of birth abnormalities were not certain that tests could be devised to assure that a drug would not injure the human fetus. He noted that only with the greatest difficulty had scientists been able to produce birth defects in animals, even when using very large doses of thalidomide.

FEARS EFFECT ON DOCTORS

The scientist questioned further how the new regulations would affect the availability of physicians to conduct the essential clinical trials of new drugs.

He said that many doctors had been scared out of participating in such programs by the thalidomide incident. Should the Government's action increase their reluctance to test drugs on patients, he said, this may noticeably affect the availability, cost and, possibly, the quality of new drugs.

Thus, he said, the cost of making drugs might be increased enormously because difficulties in getting doctors willing to make the tests may prolong the clinical testing.

Further, he said, the new regulations may delay the availability of new drugs and possibly prevent the development of others that would not appear immediately to be worth the gamble in view of the regulations.

Upon testing, he said, some of the latter drugs may prove to be better than anything else available.

These effects could, he said, force some smaller drug houses to consolidate or to be bought by bigger ones.

Asked for a possible solution, the scientist said that the only way out might be to establish a Government-organized central facility, similar to the National Institutes of Health, for the clinical testing of drugs.

U.S. CONCESSIONS ON DISARMAMENT AND NUCLEAR TEST BAN NEGOTIATIONS

Mr. THURMOND. Mr. President, the August 8, 1962, issue of the Dallas Morning News contains an excellent editorial on a subject which is causing much concern to many Americans and friends of the United States in other lands. I am speaking of the much-publicized concessions which the United States is proposing to make to the Soviet Union on negotiations for disarmament and a ban on nuclear testing. The Dallas Morning News editorial, which is entitled "Disarmament Concessions," makes many valid points against our Government's efforts to reach an accord with the Soviet Union, by continually modifying our position to come nearer to the adamant position of the Soviet Union.

This editorial makes the important point—which we should have learned long ago in trying to negotiate with the Communists—that the Soviets never accept our initial offers of appeasement. They know we will be back again, with hat in hand, making further concessions toward their position. The Soviet position is designed to get disarmament and nuclear test ban agreements without adequate safeguards and inspection procedures for the United States in order to facilitate their ultimate aim of conquering the world by deceit, subversion, infiltration, or any other foul method which is necessary.

The editorial also points up the fact that in our latest concession to the Soviets on a nuclear test ban agreement we are offering to cut our demand for on-site inspections.

In my estimation, our demand was already rather low. Now, however, our demand is being cut in half, this concession being based on a questionable new technique which is supposed to distinguish between underground nuclear explosions and earthquakes. I remember well, Mr. President, that President Eisenhower also made the mistake of relying on unproved scientific data when in 1958

he decided the United States would unilaterally halt nuclear testing in the atmosphere and underground. This scientific data indicated that underground as well as atmospheric testing could be detected, but we later discovered—too late—that not all underground testing could be detected or distinguished from earthquakes or other similar disturbances.

Mr. President, if we had ever profited materially or any at all from negotiations with the Communists, there might be some reason for moving with some haste into further negotiations with the Communists. However, based on the past record of our negotiations and hundreds of broken Communist promises, many Americans have every right to be fearful of the current rush to surrender our position without any indications that we can win a definite foolproof system of inspection on disarmament or a ban on nuclear testing.

During this week, I have received a number of telegrams in my office expressing concern that U.S. negotiators may conclude an agreement with the Communists on disarmament and/or a nuclear test ban, and that such an agreement or agreements may be embodied in executive agreements, rather than in treaties. As we know, Mr. President, executive agreements require no Senate ratification, but treaties require a two-thirds vote by the membership of this body.

I have inquired of the State Department as to the intention of our negotiators on this important point. The Department's response will be of interest to every Member of the Senate, as I am sure everyone here—as well as the American people—would want to have the Senate to pass on any such serious action as agreements to disarm our Nation and to end nuclear testing.

I ask unanimous consent, Mr. President, to have printed in the RECORD at the conclusion of these remarks the editorial which I have referred to from the Dallas Morning News and also a column written by that eminent newsman, Mr. Constantine Brown, as it appeared in the State of Columbia, S. C., on July 26, 1962.. This column, which is entitled "Paralyzed by Fear: Scared United States Makes Dangerous Concessions," gives an indication of the concern by foreign friends of our country as our negotiators continue to concede in order to reach an accommodation at or near the Communist position.

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

PARALYZED BY FEAR—SCARED UNITED STATES MAKES DANGEROUS CONCESSIONS

(By Constantine Brown)

ROME.—Our American statesmen and people find themselves confounded with such enormous problems of history-making import that we seem to have become stagnated in our thinking. We apparently are unable to make courageous decisions, lest we unleash a nuclear war.

Our policymakers are asking today: In the event of a nuclear war, how many Americans would die? The estimate of some is approximately 8 million.

The next question asked is: How can we avoid nuclear war? The apparent conclusion seems to be through negotiations and appeals to the enemy.

HAD ENOUGH

But we have had enough experiences with this theoretical solution through various conferences, exchanged notes and public discussion to realize that the Soviets are convinced of one thing.

That is, Americans and their government have become so frightened of nuclear war they are willing to make many concessions and do everything in their power to show their willingness to forget the past and be friends.

We have gone as far as to ignore the insults hurled at our Presidents and our Nation, shrug off the Berlin wall, wince at Cuba's Castro and remain mute when men struggle in rebellion against their slave master.

CONVINCED REDS

We anxiously welcome Soviet ballets, students, and technicians as our Nation's guests, and we even offer Soviet satellite countries weapons of war as well as food for their starving.

We have convinced the Soviets that we will not under any provocation initiate war and hence they believe they can use the threat of war for our defeat.

The present-day theorists have not only been blindly looking up the wrong alley to discover the way to bring about world peace, they have been shutting their eyes to all the ugly circumstances their theories create.

FORGET FREEDOMS

They prefer to forget the four freedoms and millions of people living in slavery we once swore to free. And they have systematically cast aside the tradition and examples in our past history as useless in this nuclear age.

But perhaps if we would review the pages of history and make the struggles of our forefathers in building this Nation we would find some simple truths and perhaps some guidance in solving today's problem of survival.

The estimate of some of President Kennedy's advisers that 8 million Americans would die in a nuclear war means that our chance of survival would be a little more than 1 out of 2. The early Virginia settlers who came to America had a survival ratio far less than that.

ONE OF TEN

Only 1 out of 10 survived the first 3 years in America. When the Mayflower touched our shores in 1620, the passengers had better luck. Fifty of the 100 aboard survived the first year.

But this ratio did not frighten the settlers whose desire for freedom was greater than their love of life. Between 1630 and 1640 some 20,000 of them dared to come to the land of the free.

And life for these courageous people was difficult. In a report of food scarcity, Isaac Backus later wrote, "Quoth one, 'My husband has traveled as far as Plymouth * * * and has with great toil brought a little corn home, and before that is spent, the Lord will assuredly provide.' "

KNEW SCORE

But with the full knowledge of the hardships to be endured, the American settlers made their irrevocable decisions. John Winthrop, Governor of the Massachusetts Bay Colony, wrote:

"God hath provided this place to be a refuge for many whom He means to save out of the general calamity, and seeing the church hath no place left to fly into but the wilderness, what better work can there be, than to go?"

Can the courage of these men and women, centuries dead, to make fateful decisions inspire us today? Dare we decide to fight for our Nation if need be? Have we the wisdom to make the best decision with faith that God will save many "out of this general calamity"?

DISARMAMENT CONCESSIONS

When the U.S. proposal for "general and complete disarmament" was offered last April at Geneva, many Americans felt their leaders in Washington were playing with fire because the proposal was not a plan for disarmament at all. It proposed the scrapping of our Armed Forces in favor of an international "peace force," and in the opinion of the News would have led toward world government and the surrender of American independence if it had been accepted.

Fortunately it was not accepted; the Soviets vetoed the U.S. proposal. And this act seemed to convince many people that the proposal was all right. Without asking why the Soviets rejected the plan, they reasoned that if the Russians couldn't accept it, it must have been all right.

The Soviets, however, may have had different reasons for using their veto. It seems quite likely, for example, that they have learned that whenever they reject a U.S. disarmament proposal the United States will offer something better the next time around.

The Soviets are persistent. They have plenty of time. As long as they are winning the cold war—or as long as the United States refuses to try to win it—they can afford to hold out for the maximum gain.

It now seems fairly obvious that this is exactly what they were doing last April in Geneva, when they rejected the U.S. disarmament proposal out of hand.

Though the proposal went a long way toward meeting their demands, it did not meet all of them. They were probably fairly certain that by holding out for the limit, President Kennedy and his disarmament advisers would back down on the few remaining U.S. safeguards the next time they met.

This, of course, is what has happened. Last week, at a press conference, President Kennedy announced that the United States was willing to "compromise" on the disarmament issue by acceding to the demands of the eight "neutral" nations which have delegates at Geneva.

The President said that we are now willing to give up the demand for an international network of 180 seismic detection stations and to retreat on the number of on-site inspections within the Soviet Union.

Adequate inspection always has been demanded by the United States to insure against surprise attacks or secret testing of nuclear weapons by the Soviets—whose word we cannot accept on face value.

The United States traditionally has demanded at least 20 on-site inspections within the Soviet Union each year, and a network of seismic detection stations manned by representatives from Soviet, Western, and neutral nations.

Not long ago the President said the number of on-site inspections could be limited to 12 to 20, and last week he merely used the word "some" without specifying a number. In addition he has almost completely conceded on the matter of seismic stations, offering to let the Soviets man their own stations and holding out only for some kind of international "monitoring" or "supervision" of these control posts.

The President's latest concessions are based on a new technique we are supposed to have acquired which will distinguish between underground nuclear explosions and earthquakes. This technique supposedly was discovered during our recent atomic tests in the Pacific.

But Representative CRAIG HOSMER, Republican, of California, who is a ranking member of the Joint Congressional Atomic Energy Committee, claims that we can by no means be certain of our ability to distinguish between earthquakes and atomic tests without

closer detection stations or onsite inspections.

He has pointed out that the Defense Department's Advanced Research Projects Agency—which was reported to have made the claim—merely announced that we have made progress toward the identification and location of underground disturbances.

Yet, the President is using this questionable achievement as the basis for his newest round of concessions to the Soviets. But maybe we don't have to worry much about these concessions, for the Soviets have indicated they will reject them as well. They have seen how the veto of our disarmament proposal last April brought out a few more concessions, and they will no doubt hold out for the limit.

Sooner or later, we will have reached that limit, and the Russian delegates will be directed to say "Da" instead of "Nyet." When that day arrives, maybe we will have learned our lesson. Unfortunately by that time it will be too late.

COMMERCIAL COMMUNICATIONS SATELLITE SYSTEM

The Senate resumed the consideration of the bill (H.R. 11040) to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes.

Mr. MORSE. Mr. President, I was much interested in the observation of the majority leader in his remarks on the floor of the Senate. He was quite correct when he said that each Senator must assume his own responsibility on the floor of the Senate for the course of action he takes, in keeping with his trust as he sees that trust.

I made a motion to modify, first, rule XXII along the lines of the Morse antifilibuster resolution, which I have submitted in the Senate almost in the form in which I submitted it this morning, although it has varied in form as we have developed new ideas in regard to it, since 1947.

I have taken the position that rule XXII should be changed. I have taken the position that filibusters which seek to prevent a vote from ever occurring on a bill ought to be outlawed in the Senate. My resolution would do that. I have taken the position that the minority, however, is entitled to adequate protection to present its point of view in adequate time, in order to give the American people an opportunity to take note of the merits and demerits of any issue that is pending in the Senate which may involve extended debate in the Senate.

During my almost 18 years in the Senate I have seen positions in the Senate shift as the American people became informed in regard to the subject matter of some issue which is of great public concern to the people of this country, but which sometimes in the views of some of us does not receive due consideration from a then predominant majority in the Senate.

How well do I recall, as I have said before, the situation in 1954, when the situation existed that a then administration sought to get through the Senate on the very day that the bill was brought to the floor of the Senate the atomic energy giveaway bill of 1954. Had they been able to do so, the American people, in the original form of that bill, would have lost a $14 billion investment in the atomic energy program, an atomic energy program that had been built up and developed at the complete cost of the taxpayers of the United States.

In 1954, the plan was to give it away to the private utilities of this country. Not only that, but we were asked for a unanimous-consent agreement, on that sad day in the Senate of the United States, to vote on that bill the very day that it came to the floor of the Senate. The record is perfectly clear that that is what happened over in the House. The bill went through the House, as I recall, under a no-amendment rule in less than an hour and a half.

We refused to give consent in 1954 to the atomic power giveaway, and we debated it for 13 days and 6 nights in the Senate.

As I have been heard to say before, and as I repeat for the record again, and for the information of the people, if any of this information gets out to the public, I held down the graveyard shift for 2 long nights during that debate.

We added to that bill amendment after amendment, not one of which would have been added to the bill if we had knuckled under on that day that a unanimous-consent agreement was asked for to vote on the bill on that day.

This is not the first time, in my many years in the Senate, that I have come to the conclusion that the greatest trust I owe to the American people is to stand with a minority, even though it is an unpopular minority at the time, and to do the best I can in accordance with my sights and my lights to present to the American people the issue that is involved in a bill.

I stand in that position again today.

Oh, I know what is going to happen to those of us who are taking this position. We are already hearing from powerful lobbies in this country which are seeking political action against us.

I meant it the other day, and repeat it today for the record, when I said to the majority whip, in reply to the majority whip in connection with a remark he made on the floor of the Senate as to possible political consequences that will flow from our opposition to the bill, that if I could be given assurance that a vote for the bill would guarantee my reelection in the election in November, or give me assurance that a vote against the bill would guarantee my defeat, I would still vote against the bill, because I never want my descendants to read that I voted for it. The bill is against the best interests of my country. It is such a bad bill that in my judgment its effects, if passed onto American foreign policy in the years ahead, can very well endanger even the security of this country. The legal program which is set up in the bill is such that it will have very bad effects on American foreign policy, and will play into the hands of our potential enemies.

It should not be passed if it has foreign policy defects. We shall develop those foreign policy defects in the days ahead, and get the American people to understand that this little group, already called a little band of willful Senators—are fighting in order to prevent the administration from getting through a bill which they say has already gone through three or four committees, is approved by the Attorney General, is approved by the Secretary of State, is approved by the head of FCC—and my answer to that is the question: "So what? So what?"

Does it follow that the counting up of noses makes the noses right? The issue before us is whether or not the bill is in the public interest, whether or not the bill will result in an instrument for the promotion of peace in the world, whether or not the bill in terms of history is in the interest of the welfare of this Republic.

The senior Senator from Oregon, as a member of the Foreign Relations Committee, as chairman of the Subcommittee on Latin American Affairs, as he sees the importance of the satellite communications bill in the great contest for freedom as against communism in the underdeveloped areas of the world, has come to the conclusion that the bill is against the interests of his country and that it is his patriotic duty to fight it no matter what the political sacrifices of that fight may be.

That is how deeply I feel about this bill. That is my dedication.

Now let me say that the senior Senator from Oregon made the motion to bring up the Morse antifilibuster resolution, and he made the motion to put the farm bill ahead of the satellite bill, because he believes that both of these subject matters, along with the drug bill, moved by the Senator from Tennessee [Mr. KEFAUVER], are much more important to the best interests of the American people in this session than the pending bill.

As I have said many times, and as I will be heard to say many times again in the days ahead, in my judgment there is no provable need for any "rush act" on this bill, and that it is not necessary to pass the pending bill prior to the election; and that what the administration ought to do—and I plead with my President from this floor again this morning—is to have the President use his influence to postpone action on the bill until a special session of Congress can be called immediately following the election in November.

Let me say that would result in no damage to the country. It would be in the interest of the country. It would give us an opportunity to hear many witnesses against the bill whom we have not had an opportunity to hear, because sending it to the Foreign Relations Committee, to be reported back here within a 10-day period, has not given the opponents of the bill an opportunity, for example, to call before us the witnesses who ought to have been called to testify in opposition to the bill.

Mr. GRUENING. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. Not now. I do not wish to speak at any length at this moment. I hope the Senator from Alaska will understand. I think he knows how much I admire and appreciate his courage in joining with us in opposition to

the bill, because he, too, is a Senator who is up for reelection in November.

Mr. President, we moved to bring up these bills because we thought the proposed antifilibuster legislation ought to be considered now; we believe the millions of farmers across the land are entitled to have proposed farm legislation considered now—today, August 10, 1962. We do not believe there is any justification on the part of the administration in going along with a postponement of the farm bill, for it is at the desk and on the calendar. The planting season is just ahead. Farmers are entitled to know what their farm program will be. In my judgment, the Senate owes it to the farmers of America to get the farm bill behind us in the Senate. The satellite bill can very well be postponed until later in this session or can be postponed until the first week following the election. That will not cause injury of damage to anyone or any interest.

In my judgment, and expressing my personal opinion, by postponing action on the farm bill, the Senate today has done a horrendous wrong to the farmers of America. I think that upon reflection and second thought the administration had better reconsider the action it is taking in regard to the postponement of the consideration of the proposed farm legislation.

I feel the same way with respect to the drug bill. We all know that the drug bill could be brought to the floor of the Senate and in a very short time acted upon. In my judgment, we face a crisis. We have before us, with respect to protecting the health of the American population, a crisis, for we already know of some of the serious happenings of recent days. How I honor and admire the distinguished senior Senator from Tennessee [Mr. KEFAUVER] for the courageous fight he has put up for adequate drug control legislation. What castigation and abuse this great liberal from Tennessee has taken because of his courage, his foresight, and his insight in connection with the drug crisis that faces America. There is no question that the drug industry of the United States needs to be brought under tighter control. But when? I ask. When? Tomorrow? Next week? Next month? To use a figure of speech, Mr. President, it ought to have been yesterday, not even today. But certainly drug control legislation is needed now.

I take the position that first things should come first. Drug legislation, farm legislation, antifilibuster legislation, should be placed ahead of a satellite bill, which, as we shall show as the debate progresses, can be postponed for a considerable length of time. It will be a minimum of 2 to 3 years, at the earliest, before any satellite communications system can be put up in the heavens, and probably a little longer for the thing that will make the program which this administration is supporting—namely, a low-orbit satellite system—completely obsolete.

In fact, let the American people take note that the reason for the pressure that is now on is for the passage of a bill which involves an orbit satellite system at so-called low altitude, a system which will be obsolete almost as soon as the bill has been passed. Yet it will vest up there in space legal rights and legal interests to great monopolistic combines in this country, rights which it will be very difficult to dispel, except at high payment as compensation for the monopoly.

Oh, the proponents of the bill do not like to hear us talking about giveaways. But thank God for Harry Truman, for once again, in the statement he made yesterday, he pinpointed this issue. In my judgment, this is another horrendous giveaway of the taxpayers' interests, for the selfish, monopolistic combine which will be invested, under the bill, with terrific legal rights to control the space satellite comunications system. Other private industries in this country will come, hat in hand, to this great monopoly to get the crumbs from the monopolistic table by way of contracts from the monopoly itself, if they want to participate in a satellite communications system.

Mr. President, those are some of the issues involved in the bill; and the great ex-President of the United States saw through it very carefully and, in his typically courageous manner, once again warned the American people that the public interest is not protected by the bill.

So the majority leader is quite correct when he says that each Senator has his responsibility in the Senate; but so does the leadership of the Senate. We all know that it is the leadership of the Senate that really has the controlling voice as to the order of business which comes before the Senate. The leadership of the Senate would get the support of the Senate if the leadership of the Senate were willing to vote to take up the antifilibuster resolution. The leadership of the Senate would get the support of the Senate if it were willing to proceed now with farm legislation, which is so sorely needed by millions of farmers throughout the country. The leadership of the Senate would get the support of the Senate if it were willing to proceed with the proposed drug legislation. Therefore, the leadership of the Senate cannot pass the legislative buck to the small band of so-called willful Senators who feel that the bill is of such vital concern to the American people, considering its bad effects, that we do not intend, Mr. President, to be coerced into giving up our rights under the rules so long as we think we have a chance of preventing the passage of the bill until after the election and a special session of Congress is called for the consideration of the bill.

Mr. KEFAUVER. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. Not just yet. I hope the Senator will permit me to finish my statement.

I want the American people to proceed to interest themselves in the Senate in the next few days, for I want the American people to know that we can take all the name calling that is thrown our way. We can take all the abuse and castigation that is thrown our way. We have done so before. Once they become convinced, as we are convinced, that we have a duty to perform in regard to the preventing at this time, and until there has been more adequate consideration, the passage of a bill that we believe would be very much against the interests of the American people, we will not be stopped. We will not rush to political cover because of the accusations which may be made against us.

We believe the American people should take a look at the lobbying activities of the great giant monopoly in this country which is known as American Telephone & Telegraph Co. Mr. President, not only is it the largest monopoly in the country; it is larger than a combination of some powerful business concerns in the country, such as General Motors, United States Steel, and a few others, combined. I shall place in the RECORD a list of great giant corporations which, if they were all put together, would still not equal the great, giant American Telephone & Telegraph Co. In my judgment, American Telephone & Telegraph Co. with respect to its lobbying activities, in respect to the economic pressures it brings to bear, is a formidable threat to private enterprise in this country, because, remember, a monopoly is not private enterprise. As was brought out in the hearings of the Committee on Foreign Relations, what we are dealing with here is cartelism.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). The hour of 2 o'clock having arrived, the time for the morning hour has expired.

Mr. KEFAUVER. Madam President, I desire to suggest the absence of a quorum.

Mr. MORSE. Madam President, do I have the floor?

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. MORSE. Am I correct in understanding that the pending question is on agreeing to the Long amendment?

The PRESIDING OFFICER. That is correct.

Mr. MORSE. May I proceed to make my speech under the Long amendment?

The PRESIDING OFFICER. Yes.

Mr. MORSE. Will it not be my first speech under the Long amendment?

The PRESIDING OFFICER. That is correct.

Mr. MORSE. Madam President, as I was saying, in my judgment the A.T. & T., a monopoly, must not be confused with private enterprise, for a monopoly is not private enterprise. The private-enterprise system rests upon the precious principle of competition. But under this bill, competition is choked to death by the monopolistic combine which is set up under the bill, for under this bill the Hughes Corp., RCA, General Telephone, General Electric—any of these private-enterprise corporations working in the field of communications—are not given any vested rights. They would have to come hat in hand to the monopoly corporation created by this bill, to make whatever arrangements, if any, the monopoly might be willing to make with them to participate in the development of a satellite communications system.

As I pointed out at the Foreign Relations Committee hearing day before yesterday, behind the scenes in America a terrific economic battle is going on between some powerful corporations—for example, between the Hughes Corp. and A.T. & T. The record of the hearings shows, for example, that the Hughes Corp. is on the threshold of a breakthrough in regard to a high-altitude satellite communications system. There seems to be no difference of opinion among the scientists that a high-altitude satellite communications system more than 22,000 miles above the face of the earth, at the Equator, will revolve with the revolutions of the globe. The satellites will appear to be stationary, but actually they will be going with the movements of the globe. The evidence is rather clear that from one to four—not more than four, and possibly as few as two—satellites put that far above the surface of the earth will serve the satellite communications needs of the entire world.

Mrs. SMITH of Maine. Madam President——

Mr. MORSE. I am sorry, but I do not yield at this time. I will not yield until I finish my speech.

Mrs. SMITH of Maine. Madam President, will the Senator from Oregon yield for a question?

Mr. MORSE. No, Madam President; I will not yield for a question or for an insertion in the RECORD or for anything else.

The PRESIDING OFFICER. The Senator from Oregon declines to yield.

Mr. MORSE. Madam President, just consider the foreign-policy implications of a high-altitude so-called Syncom communications system, with from one to four satellites placed more than 22,000 miles above the surface of the globe, with the ability to serve the communications needs of the entire world, insofar as a satellite system is concerned. I need not tell the Senate that such a satellite system is pregnant with foreign-policy considerations; and for the regulation and administration of such a high-altitude system, there must be international agreements, for let us also keep in mind that no nation, including the United States, has any vested international-law rights in space. Whatever rights any nation—free or Communist—will have there will have to be worked out by international agreement.

It is interesting to note that this administration first sent to Congress a bill which specifically referred to the United Nations role in the development of an international-law system in regard to space. But, interestingly enough, all reference to the United Nations role in connection with the satellite system has been stricken out of the bill which now is before the Senate. The American people should take note of that deletion, because we must also keep in mind that it is an elementary principle of law that any court which passes judgment upon legislation takes note of the fact that a State legislature or the Congress never commits a meaningless act. So the elimination from the bill of the reference to the United Nations is bound to be interpreted by courts and—even more important—is bound to be interpreted by governments as a signal of meaning that—for some reason, apparently known only to ourselves—we eliminated from the bill any reference to the role of the United Nations.

But let me say that the United Nations cannot be erased from the face of the globe. The United Nations, as an international institution, in my judgment is here to stay—long after all of us are dust. The United Nations will continue to exercise its influence and its voice in the development of international understandings and agreements and international law as long as there is a globe itself, I believe.

But, Madam President, be that as it may, there is no question about the fact that, under the charter, the United Nations has jurisdiction of interests and rights in connection with the development of any program which could conceivably involve a question of peace or war.

So I believe it is a sad thing that the reference to the United Nations has been eliminated from the bill, because that elimination has many international implications. I am also at a loss to understand why my administration would send to us a bill containing a legal instrumentality which plays right into the hands of monopolistic combines. I would have the American people take note of the very great lobby power of the A.T. & T.

In this morning's Washington Post, in a column usually written by Drew Pearson, but during his vacation period written—as is shown by a note appearing in connection with it—by his associate, Jack Anderson, we have an interesting account of the way the A.T. & T. lobby works. I now read the article:

MINNESOTA WEEKLY IRKS A.T. & T.

(By Jack Anderson)

Apparently no critic is too small, no opposition too trifling to escape the ire of the communications Goliath, American Telephone & Telegraph, which has its eye simultaneously on outer space and Circle Pines, Minn. (population, 2,789).

Madam President, I hope the two brilliant, able, and distinguished Senators from Minnesota will take note of the activity of A.T. & T. in Minnesota.

I read the remainder of the article:

The object of A.T. & T.'s irritation in Circle Pines is gentle Andy Gibas, who publishes a weekly newspaper called Circulating Pines. By his own count, he has 1,100 subscribers, gives away another 400 copies free.

But Andy discovered what a great howl a small pinprick can cause when he printed an anti-A.T. & T. editorial.

"In the past 7 years," the editorial began, "American Telephone & Telegraph Co. (the Bell System) has overcharged the long-distance phone users a billion dollars. But this is going to look like peanuts if A.T. & T. succeeds in getting the Government to hand over its communications satellites."

This brought swift retaliation from Northwestern Bell, the local A.T. & T. subsidiary, which sent representatives into Circle Pines to talk to the town's business, civic, and religious leaders about their weekly newspaper.

The Bell task force was led by tall, genial Joe Cervenka, the company's public relations chief for Minnesota, who explained to this column: "We have a right to state our case to others in the community."

Cervenka acknowledged that he had put Andy's editorial on the teletype to Northwestern Bell's headquarters in Omaha and A.T. & T.'s headquarters in New York City.

DAVID AND GOLIATH

Here is the amazing sequence of A.T. & T.'s pressure on little Andy Gibas, a tale of a modern David and Goliath:

Shortly after the offending editorial appeared, Cervenka phoned the Circulating Pines office and ordered the telephone ad dropped from the next edition. He must have thought better of this, for he showed up later with a substitute ad and explained that he had merely wanted to make a change.

Cervenka also phoned Andy and suggested that, if he were interested in his newspaper, they had better have a talk. At this confrontation, Cervenka accused Andy of printing untrue and libelous statements about A.T. & T.

What particularly upset Cervenka was the claim that A.T. & T. had overcharged its long-distance users a billion dollars.

Andy's spitfire wife, Grace, later supplied the source of this information. It had been taken, she said, from a House speech by Congressman EMANUEL CELLER, New York Democrat.

"Congressman CELLER is not a friend of ours," replied Cervenka. "Now I understand. The trouble is you read the wrong things."

The Bell man's next step was to check at the Minnesota Newspaper Association for information on possible backers who might own an interest in Andy's paper. Somehow, he came up with the name of Ernest Madsen, and promptly made contact.

"We were curious to know whether this financial backer felt like the Gibases did," Cervenka explained to this column.

But it turned out that Madsen owned no part of the paper, that it belonged totally to the Gibases. (To keep it solvent, Andy is obliged to work by day as a chemist while his wife gathers the news.)

A.T. & T. INVASION

Finally, A.T. & T. launched its invasion of Circle Pines. Cervenka called upon Mayor Gerald Pehl, former Mayor Carl Eck, town councilmen, and other leaders. His assistants interviewed Andy's friends and neighbors.

Altogether, Cervenka insists they saw no more than 15 people. But reports reaching Gibas indicate the whole community must have been canvassed.

One who didn't like Cervenka's insinuations was the Rev. Harris Jesperson, pastor of St. Mark's Lutheran Church in Circle Pines. He told this column that Cervenka went so far as to imply the Gibases were pro-Communist in their attitude.

"If you are insinuating the Gibases are Communists and all that rot," the pastor lectured Cervenka, "you had better forget about it right now."

More easily influenced were Mildred Huse and her son, Gordon, who run one of the town's two leading grocery stores, Gordon's Market. They stopped advertising in the Circulating Pines after Cervenka's visit.

Gordon Huse, who answers to the nickname "Buz," assured this column that Cervenka hadn't suggested an economic boycott.

"We didn't want to get involved, so we dropped our advertising," explained Buz.

But Andy and Grace Gibas aren't easily intimidated. They struck back in a front-page editorial.

The questioning of friends and neighbors "gives us a very uneasy feeling," they wrote. "Something like the Russians must feel when they discover the secret police are making inquiries.

"But the real puzzler is this: Why doesn't A.T. & T. want the satellite giveaway talked about? Why is it afraid of criticism?"

I would have the American people take note of that column. I would have the American people take note of the fact that this little band of willful Senators in the Senate who are fighting the passage of the bill are not ready to turn over the satellite communications system to the powerful combine of a monopoly created as a legal instrument by this bill.

I would have the American people take note of the fact that A.T. & T. and its associates would be in violation of the antitrust laws of this country if they sought to do without the bill what this bill authorizes them to do.

I am very sad that the Department of Justice of my administration is supporting a bill which in effect amounts to a proposal of waiving the antitrust laws of this country in favor of A.T. & T. and the monopolistic instrument created by the bill.

I am shocked by a Department of Justice, headed by the brother of the President of the United States, advocating a bill passage of which is essential if the instrument created by the bill is to be protected from the application of the antitrust laws of the United States. If the bill were not passed and any monopoly sought to carry out the power created and vested in this bill, it would run headlong into the antitrust laws of this country.

The senior Senator from Oregon just does not think there is any justification for any legislation that in effect will weaken the antitrust law system of this country.

Merger after merger is being proposed. Why, Mr. Sarnoff made a speech in San Francisco the other day advocating a single monopoly for the whole communications system of America. I put it in the record of the hearings, and Senators will be able to read the Sarnoff speech when the hearings are printed and placed on their desks within the next day or two.

Mr. MORSE subsequently said: Madam President, the Wall Street Journal for August 8 reported that the Radio Corp. of America is proposing that all U.S. activities in the area of international communications be joined in a single independent, privately owned company.

The article, which I am submitting for inclusion in today's RECORD, reveals the truly monopolistic tendencies of the giant corporations that dominate our communications. RCA's proposal, according to this account of a speech by its chairman, Gen. David Sarnoff, would merge the company's cable and radio operations with those of the other carriers, including American Telephone & Telegraph—A.T. & T.—International Telephone & Telegraph—I.T. & T.—Western Union Telegraph Co., and others.

General Sarnoff believes that such a company, subject only to appropriate Government regulations, would be the most practical way to eliminate the illogical limitations and unnecessary handicaps for American companies involved in this field.

Madam President, those of us who have opposed the pending satellite communications bill have been concerned, among other things, about precisely this kind of thinking. It holds that such illogical limitations and burdensome handicaps as the free play of competition and Federal participation adequate to protect the public interest should be discarded in the interest of allowing the giant communications carriers the widest latitude in harvesting the benefits of this new dimension in communication, which is the product of research in which all American taxpayers have participated.

The bill before the Senate is loosely written and ambiguous. It joins private enterprise with public authority, without clearly defining the area of responsibility in either case. If anyone doubts that the private interests will construe their responsibility in the broadest possible terms, I would suggest that he read this article; and I ask unanimous consent that it be printed at this point in the RECORD.

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

RCA PROPOSES PRIVATELY OWNED MONOPOLY FOR INTERNATIONAL COMMUNICATIONS OF UNITED STATES

Radio Corp. of America, enlarging on the debate over private ownership of communications satellites, proposed that all U.S. activities in international communications be vested in an independent and privately owned American monopoly.

The proposal involves competing cable and radio operations of such companies as International Telephone & Telegraph Corp., American Telephone & Telegraph Co., United Fruit Co., Western Union Telegraph Co., and Firestone Tire & Rubber Co., as well as RCA and a few smaller companies.

However, the concept advanced by David Sarnoff, RCA chairman, faces a formidable obstacle in the historic hostility of Congress to such mergers. Similar proposals have died in Congress at least three times.

As recently as 1959, the Senate Commerce Committee heard testimony on merging the international telegraph companies, including all the affected carriers except A.T. & T. which practically has a monopoly on oversea voice communications. A high Federal Communications Commission source said yesterday there is no reason to think that congressional opposition to that idea has cooled. Mr. Sarnoff's inclusion of A.T. & T. this time would probably arouse even more controversy, the source added.

Donald K. de Neuf, president of Press Wireless, Inc., which provides communications for news services, said that company wouldn't wish to join a merged concern. But he said it would have no objection to a merger of other carriers if Press Wireless were protected against discrimination of unfair competition.

ITT URGES REEXAMINATION

Harold S. Geneen, ITT president, issued a statement urging the FCC to "reexamine the present regulatory distinction between voice and record (telegraphic) communications" and to take "a new look * * * at the right of the offshore carriers to interconnect freely * * * with domestic carriers."

Mr. Geneen said ITT in the past had supported unification of international telegraphic facilities, "as distinguished from the telephone voice carriers." However, "as Mr. Sarnoff points out," he continued, "the lines of distinction between telephony and telegraphy are swiftly being erased." And, Mr. Geneen said, the FCC should consider "whether the international and domestic functions must necessarily be segregated."

A.T. & T., Firestone, and United Fruit, which have oversea communications subsidiaries, had no comment on Mr. Sarnoff's proposal.

Mr. Sarnoff's suggestion was made in a speech delivered for him by his son, Robert W. Sarnoff, chairman of the National Broadcasting Co., an RCA subsidiary. The speech was made in San Francisco at the annual meeting of the American Bar Association's Section of Judicial Administration. The elder Mr. Sarnoff is convalescing after surgery.

RCA estimated the volume of the U.S. international communications industry last year at $146 million. RCA Communications, Inc., a subsidiary, grossed $35,225,000 in 1961, about 2 percent of RCA's total sales. The subsidiary has been "reasonably profitable for many years," RCA said.

A unified international company, "subject only to appropriate Government regulations," would be the "most practical" way to eliminate current "illogical limitations and unnecessary handicaps" for American companies, which will be compounded by the advent of satellite communications, Mr. Sarnoff contended. Space satellites, like A.T. & T.'s Telstar, will be able to relay telephonic, telegraphic, and televised messages from continent to continent in greater volume than ever before, Mr. Sarnoff said.

With a merger "our international communications services would become more flexible, more convenient, and more economical," he continued. "And our unified American company would be able, for the first time, to deal on equal terms with foreign government monopolies."

Such a company would be in line with Government-sanctioned monopolies for telephone and telegraph communications within the United States, he said.

Mr. Sarnoff didn't suggest that his proposal for the merger of conventional services be incorporated in the current satellite program. "We will take a meaningful step forward through the establishment of a communications satellite corporation, and the Kennedy administration deserves commendation for its foresight and initiative," he said. He advocated formation of a privately owned space communications corporation "at the earliest possible date."

The administration-backed bill calling for private rather than Government ownership of commercial satellite communications has encountered stormy opposition in the Senate from a group of 10 liberals. It is scheduled to be sent back to the Senate floor Friday after a week-long sojourn with the Senate Foreign Relations Committee; it faces resumption of a liberal Democratic filibuster.

The illogical structure of oversea communications grew up with the individual development of oceanic cables, wireless telegraphy, radiotelephones and radiobroadcasting, Mr. Sarnoff said. In some areas, such as telephone service, there is a monopoly; in others, such as telegraphy, there is competition, he noted. He also charged that foreign government monopolies play one American company against another in negotiations for connecting services and rates.

HINDRANCE TO CUSTOMERS CHARGED

Outmoded distinctions between types of service prevent individual U.S. companies from offering their customers the range of communications desired, Mr. Sarnoff contended. And he added that if the proposed satellite communications system is authorized to transmit both voice and printed messages, problems may result in connection with separated domestic services. Moreover, the owners of the satellite system

through their conventional services may be competing simultaneously with their own space network and with each other, he said.

Mr. Sarnoff didn't specify how his proposal should be carried out. He called on legal experts to work with Government agencies to formulate a legislative program that could be introduced in Congress. "If we are to preserve and secure the benefits of the American concept—the privately owned and operated systems of national and international communications, functioning under appropriate Government regulations—and if we are to avoid the alternative of Government ownership * * * then we must develop and adopt * * * a unified national communications policy * * * sanctioned by the law," he said.

CONGRESSIONAL ANTITRUST IMMUNITY

The FCC didn't say whether it would favor Mr. Sarnoff's proposal, but its lawyers said it couldn't approve such a merger without a congressional grant of immunity from antitrust laws. At the 1959 hearing before the Senate Commerce Committee, the FCC, with RCA, ITT and Western Union, supported a merger of oversea telegraph concerns. The FCC felt the combination would compete better with A.T. & T. and with foreign government monopolies. It also agreed with the companies that the distinction between voice and printed communications had been blurred by technological developments, which could switch a larger share of the total business to powerful A.T. & T.

The Justice Department, however, opposed the combination, as did some smaller carriers.

The situation has been altered radically with the launching of Telstar.

Mr. MORSE. Madam President, when I think of the glorious record of the Senate of the United States in the decades gone by, when I think of men who trod the carpets of this historic forum, warning the American people to watch out for monopolies; when I think of our forebears here in the Senate who brought forth the protection of the antitrust laws and the Sherman and Clayton Acts, so vital to the economic freedom of the American people, I have no hesitancy, let me say, in seeking in my feeble way, to walk in their footprints on this carpet, daring to oppose a majority now as they for a time had to oppose a majority then, as they battled their way against the lobbying influences of powerful monopolies of America and finally wrote onto the books of this land the antitrust laws—the Sherman Act and the Clayton Act, the great protectors of a free society—so that they might enjoy economic freedom of choice, as citizens, to have the right to participate in free competition.

Mr. DOUGLAS rose.

Mr. MORSE. I cannot yield at the moment.

Economic freedom of choice in regard to free competition will be, in my judgment, throttled and destroyed by segments of the bill, or at least encompassed within the terms of the bill as to jurisdiction.

I ask Senators not to forget, Madam President, this is an awful precedent which is to be established. This will open the door. Do Senators think there will ever be any antitrust prosecutions in this country in the future, if this exception and exemption to the antitrust laws is passed in the form of this bill, in which the defendants will not say, "Ah, but the U.S. Government itself in the instance of the so-called satellite communications monopoly bill was perfectly willing to make an exception and an exemption."

I warn the Senate today that this is a proposal for a precedent which, in my judgment, bodes ill for the welfare of the taxpayers and ratepayers who will fall under the domination of this monopoly.

Who is speaking out about the ratepayers? How much talk has there been in the hearings about the rights of the ratepayers? There has been talk about the company having paid much of the cost of Telstar. Well, for the most part, two groups of Americans will pay the cost; the taxpayers, through tax deductions that A.T. & T. will get, and the ratepayers, for such costs as are left, will go into the ratemaking basis.

There has been talk about the fact that the stock is to be sold to those who wish to buy, although the bill leaves no room for doubt that A.T. & T. could buy as much as 50 percent of the voting stock. Witness after witness, under cross-examination, has admitted that undoubtedly A.T. & T. would buy 40 percent. Witnesses have come before us who have testified it is recognized that if someone really controls 10 percent of the voting stock he usually controls the company. If we permit A.T. & T. to get 10 percent of the stock, then its monopolistic power would undoubtedly be controlling. Certainly it would have more than 10 percent of the stock. There is to be authorized, under the bill, no limit in regard to the nonvoting stock and securities A.T. & T. could buy.

Someone had better talk about the interest of the taxpayers and of the ratepayers in connection with the bill.

Let us go back, Madam President, to the high-altitude communications satellite system, which witnesses admit is at the threshold. I want to take Senators to the testimony before one congressional committee, by Howard Hughes himself. Let all who want to deny his claim deny it, but nevertheless it is his testimony that he expects a breakthrough, through his corporation, in a high-altitude satellite by 1963.

So we see, Madam President, why A.T. & T. wants to get this sewed up and pinned down now. This is part of the great battle which is going on behind the scenes. A.T. & T. wants these vested legal rights now, through this bill. Then Howard Hughes can develop his high-altitude satellite, but he will have to deal with the corporation by way of the legal instrument which is to be created by this bill.

Is that in the public interest? It is decidedly against the public interest. That is not the way to preserve and perpetuate this precious principle of competition in the American economy.

I would have the American people remember that before a Hitler there was a cartelist takeover in Germany. Before a Mussolini there was a cartelist takeover in Italy. I warn that cartelism cannot be reconciled with economic democracy. I point out that cartelism cannot be reconciled with economic freedom of choice for the individual.

Yet this bill, in my judgment, would create and entrench a system of cartelism in this country which bodes ill for the welfare of the American people.

So those of us opposed to the bill have made very clear that we have a series of alternatives to propose. I offered two of them as complete substitutes for the bill yesterday afternoon in the Committee on Foreign Relations. I shall take only a moment to speak of one of them.

We had a witness before our committee, Madam President, named Ben Cohen, whom not a single proponent of the bill could challenge as to being a highly qualified legal authority, a recognized scholar in the field of international law, a man who has represented the United States in international conferences in connection with great international law issues. He testified before our committee in regard to what he considered to be the very serious defects of the bill particularly in respect to its international foreign affairs implications.

I think we can properly describe him as one who pleaded with the Foreign Relations Committee not to pass the bill but to perfect the bill. He supported a thesis which the senior Senator from Oregon from the very beginning of this debate has urged; namely, that these satellites up in space must remain American-flag satellites. They must be the satellites of the American people. They must belong to the American people. They must be up in space to serve all mankind in the great contest between freedom and totalitarianism in the decades ahead.

They must be used as a part of a global communications satellite system in keeping with what the record of our hearing shows was a farseeing pronouncement on the part of our chief Ambassador to the United Nations, Adlai Stevenson. In 1961, in behalf of the U.S. Government, he presented the resolution that became the United States-Soviet resolution, but it was first proposed by the U.S. Government. The resolution uttered some statements that will make history in this field. In offering the resolution Adlai Stevenson made clear that it was the position of our Government that a communications satellite system should be a global system. I ask, What has happened to that policy? What has happened to that announcement of the Government of the United States in 1961? In my judgment, my administration cannot square the bill with the program that Adlai Stevenson envisioned in 1961 when he made it clear that our national policy was a policy of establishing a global satellite system.

So I would have the American people understand the issues, as the debate starts, and as they are about to listen to the distinguished Senator from Utah [Mr. Moss] make the first major speech in the debate since the bill was brought back to the floor of the Senate. I would have the American people become students of the problem for some time, for I am satisfied that once they study the

position of the so-called willful little band of Senators who are seeking to focus attention upon the dangers of the bill, they will understand the sincerity of our purpose, the dedication of our motivation, and our determination to be faithful to our trust as we see it.

In closing, let me say that I will continue to press the form and instrument that the great international lawyer, brilliant legal scholar, and a man with a great diplomatic background in the field of international negotiations, Ben Cohen, expressed so clearly in his brilliant testimony before the Committee on Foreign Relations.

What is it? It is a proposal that the jurisdiction of some Government agency, preferably NASA, be enlarged so that it would be made perfectly clear that NASA had jurisdiction over satellites. They will remain American-flag satellites. Then NASA will have the authority to enter into contracts, leases, and permits with any American private corporation for the development of a satellite communications system with equal opportunity to compete, in keeping with our competitive system of free enterprise in the United States, in contrast with the monopolistic power granted under the bill to the legal instrument proposed to be created by it in derogation of the maximum use of the competitive feature of free enterprise.

Therefore, all American corporations would be in on the ground floor on an equal basis. Contracts, licenses, and permits would be negotiated between NASA or some other Government agency, if it is desired to give the jurisdiction to some other Government agency, with the private corporation involved. As Ben Cohen said, that is our pattern; that is our policy in connection with much of our defense program.

There has been an attempt to misrepresent the position of those of us who are opposed to the bill by seeking to smear us with the charge that we are for Government ownership and operation. We are not. But we are for maintaining the satellites as American-flag satellites. We are for the operation of the satellites and the development of the system by way of contracts through a private enterprise system in relation to private corporations in this country.

The Atomic Energy Commission is a good example. We have been following such procedures under the Atomic Energy Commission with respect to some phases of the development of atomic energy and atomic power.

Madam President, we have done so to the tune of hundreds of millions of dollars in connection with the development of our defense program.

All we are saying is that if it is a sound system for defense, atomic energy, and other Government activities in which that legal instrument has been the one that we have followed, why not for a communications satellite system? Why the rush? What is the hurry? In my judgment, we can proceed to develop a communications satellite system faster by the Cohen program, about which he testified, than we could under the monopolistic instrument which would be created by the bill.

I wanted to make the statements I have today because I thought the American people should be told at least what the motivation of the so-called little band of willful Senators who are opposed to the bill really is. I thought the American people should receive the plea from me today: "Stop, look, and listen in regard to the bill. Do not permit your minds to be victimized by the attacks which you will read in the hundreds of editorials that will be written against this little group in the Senate. Do not overlook the fact that we, too, have a keen sense of public responsibility. We, too, took the same oath at the Vice President's desk that our opponents in the debate have taken. We, too, swore to uphold the Constitution in accordance with our laws, as did those who are opposed to us in respect to the bill."

I would have the American people never forget that the course of action we are following is not easy. It is not pleasant. But we have made the decision because we believe it is our patriotic trust and duty to do so.

We talk about sacrifice in America. We talk about being willing to sacrifice for our country. Senators cannot escape their obligation to make whatever sacrifice is necessary if they think a particular issue calls for a sacrifice. So far as the senior Senator from Oregon is concerned, there is no sacrifice that I am not willing to make in doing whatever I can do to prevent the passage of the bill until after the election, so as to give the American people an opportunity to study it and give their instructions to their elected representatives in the Senate to come back at a special session of the Congress the first week after the election.

I say to my President, "What is wrong with that? Do you think you would get a different bill after the election? If you think this bill is so sound, why do you hesitate to postpone action on it until the people have had an opportunity to listen to a nationwide debate on the issue during the campaign ahead? Mr. President, I pray and trust that you will recognize before it is too late that the greatest service that can be rendered the American people in regard to the bill is to take some time for its consideration out at the precinct levels of America. That is what creates democracy. These people at the precinct level of America during this campaign have a right to have this bill a discussion point in the election. I pledge to you, as I have already pledged to my majority leader on the floor of the Senate some days ago, if you postpone action on this bill until the first week following the election, the senior Senator from Oregon will stand shoulder to shoulder with you in doing everything he can to see to it that the bill then goes through to an early vote following reasonable debate on the bill."

That is my case as of now. I shall discuss the matter at greater length upon my return. I want my opposition in the Senate to know that I am going home tonight. I have an election ahead of me. I will be home tomorrow. I will be back here on Monday. I know that my great colleagues and my leaders in this debate, like the two Senators from Tennessee and the junior Senator from Louisiana and the Senators from Alaska and that wonderful colleague of mine, the Senator from Oregon, will see to it that the people of this country continue to have an opportunity to learn about this bill as the debate over the weekend proceeds.

Mr. GORE. Madam President, will the Senator yield for a question?

Mr. MORSE. I was going to yield the floor. I have declined to yield to anyone else. I do not want to hold up any Senator. I am sure the Senator from Utah will be glad to yield. I want to be fair to all, and I hope the Senator from Tennessee will understand why I do not yield.

I yield the floor.

I suggest the absence of a quorum.

Mr. MANSFIELD. Madam President, will the Senator withhold that request briefly?

Mr. MORSE. With the understanding that it will be renewed immediately, I withhold it for the moment.

Mr. MOSS obtained the floor.

Mr. MOSS. Madam President, I ask unanimous consent that I may yield to the Senator from Maine for the purpose of making an insertion in the RECORD, without losing the floor.

Mr. MORSE. With the further understanding that his yielding does not count as a speech against the bill.

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

THE PRESIDENT'S VISIT TO MAINE

Mrs. SMITH of Maine. Madam President, it is my hope and my plan to be at Brunswick this afternoon to greet President Kennedy upon his arrival in Maine at the naval air station there at 6:15 p.m. I wanted to join in on giving him the warmest and most gracious welcome and reception.

In fact, 2 weeks ago, on July 23, 1962, I extended to him an invitation for him and Mrs. Kennedy to use my home at West Cundy Point—only 8 miles from the naval air station where he will be landing—while he was in Maine and in the Maine waters as the original publicity at that time reported that he would be sailing off the coast of Maine—and my home is on the shore of one of the most popular sailing areas in Casco Bay. This morning I received a reply from Mr. Kenneth O'Donnell on behalf of the President stating that he would not be staying in that area.

But it is doubtful that I can get to Maine in time to be present to welcome the President because this last rollcall vote, on which I voted at 1:27, leaves me practically no time, as the field will be closed down at 5:30 and no other planes are allowed to land there after that time.

The Navy Department was kind enough to arrange to fly me to Maine to join in the welcome to the President, but the R-4D plane that it made available is not jet aircraft—and they informed me that I would have to be at Andrews Air Force Base in time to depart not later than 1:30 this afternoon. Consequently,

time closed in on me, and I sincerely regret it.

But I am sure that the President and everyone will understand fully that my official Senate duty to answer rollcall votes and to remain here to do what I was elected to do—to legislate and vote—takes priority over even the pleasant activity of greeting and welcoming the President of the United States to the State of Maine.

I wish him a most pleasant, enjoyable, and relaxing weekend in Maine, and that he will enjoy it so much that he will return many times to Maine.

PENALTY PROVISION IN THE ADMINISTRATION'S FARM PROGRAM

Mr. WILLIAMS of Delaware. Madam President, will the Senator yield?

Mr. MOSS. I yield to the Senator from Delaware with the understanding that I do not lose my right to the floor.

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

Mr. WILLIAMS of Delaware. Madam President, on August 8, 1962, I made the statement that under the Kennedy administration's farm program as it was recommended to the Congress there were penalty provisions under which a farmer could be fined or sent to the penitentiary for noncompliance. My remarks were immediately challenged by the spokesman for the Agriculture Department who said that the bill pending in the Senate did not contain such criminal penalties.

This rebuttal by the unnamed spokesman for the Agriculture Department is deliberately misleading. My remarks were clearly directed against the administration's bill as it was recommended to the Congress and not as the bill was pending in the Senate.

My statement still stands, and I repeat it again—the administration's farm program as recommended to the Congress definitely does carry a criminal provision for noncompliance, and as evidence of that point I ask unanimous consent to have incorporated in the RECORD section 379i(d) and section 440 as they appear on pages 79 and 96–97 of the administration's bill, S. 2786, as it was introduced by Senator ELLENDER on February 2, 1962.

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

SEC. 379(d) Any person who falsely makes, issues, alters, forges, or counterfeits any marketing certificate, or with fraudulent intent possesses, transfers, or uses any such falsely made, issued, altered, forged, or counterfeited marketing certificate, shall be deemed guilty of a felony and upon conviction thereof shall be subject to a fine of not more than $10,000 or imprisonment of not more than ten years, or both.

REPORTS AND RECORDS

SEC. 440. Each first processor and producer shall keep such records for such period of time and shall make such reports as the Secretary shall prescribe for the purposes of this subtitle. The Secretary is hereby authorized to examine such records and any other records, accounts, documents, and other papers which he has reason to believe are relevant for the purposes of this subtitle and which are in the custody or control of such first processor or producer. Any person failing to make any report or keep any record as required by the Secretary, pursuant to this subtitle, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $2,000 or by imprisonment for not more than one year, or both.

NEGOTIATED CONTRACTS IN THE AIR FORCE

Mr. WILLIAMS of Delaware. Madam President, the Comptroller General under date of July 31, 1962, has submitted to the Congress another glaring example of unnecessary expenditures by the Air Force as the result of its continued determination to negotiate contracts rather than solicit competitive bids.

In this instance the Air Force negotiated with the Continental Motors Corp., Muskegon, Mich., for the procurement of 183 replacement engines for certain fire-crash vehicles at a price of around $4,725 each when the same engines were costing the company less than $2,650. This resulted in a profit of over 80 percent for Continental.

These engines were purchased under five separate contracts, and during the negotiations Continental refused to furnish the Air Force's contracting officials any available cost data or other evidence to support the reasonableness of the prices it was proposing. However, notwithstanding the absence of such necessary information the Air Force negotiated these five fixed-price contracts with Continental for the procurement of a total of 183 engines at an average price of about $4,725 each, or a total cost for the five contracts of $864,310.

Subsequent audit of this contract by the Comptroller General disclosed that the cost actually experienced by Continental in the production of these engines averaged less than $2,650 each, with the total cost of producing the 183 engines being only $479,060. This resulted in a total profit on the five contracts of $385,250, or 80.4 percent.

Thus we find that engines which cost Continental an average of around $2,650 each were being sold to the Government at an average price of around $4,725 each.

A list of the contracts along with the Comptroller's report on the cost as actually experienced and the profit thereon follows:

Contract				Costs actually experienced		Profit	
AF 40(604)	Quantity	Unit price [1]	Total [1]	Unit average [1]	Total [1]	Total amount	Percent of cost
-8021	65	$4,725	$307,120	$2,706	$175,890	$131,230	74.6
-8598	20	4,725	94,500	2,527	50,540	43,960	87.0
-8726	25	4,725	118,120	2,606	65,150	52,970	81.3
-9172	63	4,725	297,680	2,576	162,290	135,390	83.4
-9907	10	4,689	46,890	2,519	25,190	21,700	86.1
Total			864,310		479,060	385,250	80.4

[1] Excludes excise tax and freight where applicable.

After the Comptroller General had audited this contract and disclosed this 80-percent profit the Air Force was able to negotiate with Continental and obtained a voluntary refund of $110,000, but even after this refund it still leaves Continental with a profit of over 55 percent on the deal.

This is but another typical example of what has been happening and what will continue to take place as long as the Air Force insists upon continuing its irresponsible practice of negotiating contracts rather than adopting the businesslike procedure of soliciting competitive bids.

In commenting upon the Comptroller General's report the Air Force gave the same shopworn standard-form alibi which it has repeated so much it now sounds like a cracked record. I quote from the Comptroller General's letter:

Subsequent to the award of the contracts discussed in this report, the Air Force and the Department of Defense have taken a number of actions aimed toward improving the pricing of contracts.

THE CAMPAIGN FOR SAFE DRIVING

Mr. CARLSON. Madam President, will the Senator yield?

Mr. MOSS. I yield to the Senator from Kansas with the same understanding, that I do not lose my right to the floor.

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

Mr. CARLSON. Madam President, the National Junior Chamber of Commerce is entitled to much credit for its outstanding campaign for safe driving.

The District of Columbia Jaycee Committee has for 11 successive years been host to the National Jaycee Safe Driving Teen-age Road-e-o Finals. The District of Columbia chapter is entitled to much credit for arranging the contest, entertaining the State winners and rendering a real national service.

This year over 400,000 of our fine boys and girls competed in the national contest and last evening at the awards banquet, recognition was given these winners from most of the States of the Union.

The program was in charge of Mr. Doug Blankenship, president of the United States Junior Chamber of Commerce.

The national winner in the contest was Martin Leroy Pitney, a 17-year-old boy from Bakersfield, Calif., who scored 850 out of a possible 1,000 points in the 5 days of competition. Second prize was won by Patricia Ann Scherer of Cheyenne, Wyo. She is the first girl to place among the three top winners since the beginning of the annual Road-e-o 11

years ago. Miss Scherer also won special recognition for outstanding community participation.

Third place went to Richard A. Morris, East Longmeadow, Mass. Miss Jean Gilbert, of Atlanta, Ga., won an award for sportsmanship and Leslie Hirahara of Honolulu, Hawaii, was recognized as the best State representative.

The junior chamber of commerce is entitled to much credit for carrying on the program. The sponsors of the Road-e-o contest are to be congratulated for assisting in this campaign of safe driving and the young men and women are to be congratulated for their achievement and the splendid campaign for safe driving they will be carrying on in every State of the Union, as a result of this contest.

I ask unanimous consent that the names and addresses of the contest winners be made a part of these remarks.

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

STATE ROAD-E-O WINNERS, 1962

Leonard Deal, Jr., Dothan, Ala.
Orlando Westover, Mesa, Ariz.
James Sanchez, Russellville, Ark.
Martin Pitney, Bakersfield, Calif.
Jack Sparby, Longmont, Colo.
Allan Borghesi, Torrington, Conn.
Warren Bader, Harrington, Del.
Peter Clendenin, Washington, D.C.
James Lawrence, De Land, Fla.
Jean Gilbert, Atlanta, Ga.
Leslie Hirahara, Honolulu, Hawaii.
Jerald Schwager, Wheaton, Ill.
Willard Colwell, Kokomo, Ind.
Allan Schlatter, Hawkeye, Iowa.
James Sager, Clyde, Kans.
Steve Cammuse, Frankfort, Ky.
Elwyn Prejean, Addis, La.
Robert Philbrook, Rockland, Maine.
John Kimball, Jr., Havre de Grace, Md.
Richard Morris, East Longmeadow, Mass.
Roger Ferm, Spring Lake, Mich.
David Domke, Hutchinson, Minn.
Billy Dudley, Winona, Miss.
Gary Atkinson, St. Louis, Mo.
Lonny Speas, Ames, Nebr.
John O'Connor, Cranford, N.J.
Roy Amold, Aztec, N. Mex.
Gordon Czelusta, Lockport, N.Y.
James Warren, North Wilkesboro, N.C.
Bill Neideffer, Wing, N. Dak.
Joe Deere, Guymon, Okla.
Robert DeSanto, Stroudsburg, Pa.
Philip Kalf, Cumberland, R.I.
William Tetterton, Camden, S.C.
Charles Weibel, Aberdeen, S. Dak.
W. B. Harrison, Jr., Ripley, Tenn.
Roderic Spain, Monahans, Tex.
Arthur Ball, Salt Lake City, Utah.
Robert Coburn, Newport Center, Vt.
Maurice Mitchell, Petersburg, Va.
Robert Yenney, Walla Walla, Wash.
Nick Miller, Glen Dale, W. Va.
Kirk Schleife, Tomahawk, Wis.
Particia Scherer, Cheyenne, Wyo.

THE RELIGION OF SECULARISM—ADDRESS BY FRANCIS CARDINAL SPELLMAN

Mr. MOSS. Madam President, I ask unanimous consent that I may yield to the Senator from New York, with the understanding that I do not lose the floor.

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

Mr. KEATING. Madam President, the religious basis for many of our most cherished freedoms and traditions is recognized by almost all Americans. The wall of separation between church and state has never been considered justification for hostility between church and state or isolation of religion by the state. What it does require is absolute neutrality among the faiths and voluntarism in all matters affecting religion. This prohibits action by the Government favoring one religion over another, but it does not require the Government to discriminate against religion or to promote secularism in any of its undertakings.

These principles are discussed with great understanding and clarity in an address of His Eminence, Francis Cardinal Spellman, delivered at the 64th annual international convention of the Fraternal Order of Eagles which recently took place in Pittsburgh. In this address, Cardinal Spellman expresses his deep concern with efforts "to remove religion entirely from the public domain, and to commit our Government to the side of irreligion." He describes this as "the establishment of a new religion of secularism" and gives important examples of its development.

Cardinal Spellman warmly embraces in his address the principles of the first amendment, "one of the foundation stones of our American political system." His words will evoke a sympathetic response from many Members, regardless of their particular religious affiliation, and even those who disagree with his views will be impressed by the wisdom and light which he has shed on these issues. I therefore ask unanimous consent that the text of the address by His Eminence, Francis Cardinal Spellman, 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 OF HIS EMINENCE, FRANCIS CARDINAL SPELLMAN AT THE 64TH ANNUAL INTERNATIONAL CONVENTION OF THE FRATERNAL ORDER OF EAGLES, AUGUST 2, PITTSBURGH, PA.

My mind is still filled with vivid recollections of the friendly reception accorded me in Toronto 3 years ago when first it was my privilege to address the International Order of the Eagles. I was therefore delighted to accept your welcome invitation to attend your convention here in Pittsburgh and to speak again to your distinguished membership.

I read and hear with interest and with admiration of the great philanthropic work that your fraternal organization continues to accomplish. Surely the eagle is a most fitting symbol for your fraternity, for like the eagle, you soar high in social pioneering; you protect rights for all classes, regardless of creed; and you are farsighted in sponsoring projects of medical research. In behalf of Dr. John Madden, director of the Cardiac Research Center at St. Clare's Hospital in New York City, I wholeheartedly thank you for your latest grant to help in the important field of heart research.

An occasion such as this is a moving proof of your deep interest in all people and their needs. In your own campaign for social security legislation—in your desire to obtain Federal funds to assist the aging, you never considered placing un-American restrictions on the distribution of this public money. Indeed, every aspect of your many-faceted activities is devoted to spreading and strengthening moral and religious principles common among all who believe in God and love their country.

The story of your many contributions to our beloved country never once reveals any desire to judge men by a standard other than their need of your help. For this reason I am encouraged to speak to you this evening about the two-pronged attack on the American way of life as you and I have come to know it and to love it—and as your fathers and mothers, your sons and daughters, and you yourselves have lived for it and struggled for it and as multitudes have died for it. I refer to the movement to take God out of the public school and to force the child out of the private school.

You may already know of my deep concern over the recent Supreme Court decision banning the Regent's Prayer in the public schools of New York State. As you know, that prayer is a simple, short, nondenominational and voluntary acknowledgment of dependence upon God and a request for His blessing. I fully appreciate the high responsibility of the Supreme Court to guard our Constitution and the delicacy of its task. Moreover, I respect the integrity and the dedication of the men who are charged with this solemn commission. But I am convinced that in this case six Justices rendered a decision which will be harmful to America. As an American who loves his country more than his life, I feel that I have a responsibility to express my concern publicly.

The first amendment states that "Congress shall make no law respecting an establishment of religion." One of the foundation stones of our American political system, this amendment provides that the Government shall not place the mantle of its preference over any particular church.

Our Founding Fathers knew of the bitter experiences in Europe with established and state-supported churches, where in some lands preferment was given those who belonged to a particular church, and persecution was the lot of those who did not affiliate. Their solution to the troublesome church-state problem was to separate the two, to make them independent of each other, and thereby to assure equal rights to all citizens irrespective of their religious convictions.

This was their simple and clear objective when they wrote the first amendment. Few in America disagree with that purpose. Certainly no Catholic disagrees with it, for we are well satisfied with such separation of church and state as exists in our country. Almost half a century ago Cardinal Gibbons expressed the American Catholic position clearly when he stated: "No establishment of religion is being dreamed of here by anyone; but were it to be attempted, it would meet with united opposition from the Catholic people, priests and prelates." And Archbishop Vagnozzi, the representative of Pope John XXIII in the United States, recently expressed a similar opinion: "Whether they remain a minority or become a majority, I am sure that American Catholics will not jeopardize their cherished religious freedom in exchange for a privileged position."

Catholics do not want their church, or any other church, to be "state supported" in the United States. They are of one mind with the men who were the architects of our Republic.

By the first amendment, however, the Founding Fathers of our country never intended to purge public life in America of all religion. They never intended to establish irreligion. Their declaration of dependence upon God anteceded their Declaration of Independence from England. They were themselves religious men, whose faith in God and dependence upon Him permeated both their private and their public lives. They did not hesitate to mention Him in their public utterance, to open their deliberations with prayer to Him, to set up chaplaincies, and to ask the President to call a day of prayer and thanksgiving to God. On religious values they built this Nation and on these values it has ever stood firm.

But now there is abroad in our land a new spirit which seeks to change this religious tradition of America, to place a nontraditional interpretation on the Constitution, to remove religion entirely from the public domain, and to commit our Government to the side of irreligion. This is the establishment of a new religion of secularism. This should be ruled unconstitutional.

Followers of this new secularistic approach have seized upon an expression that Thomas Jefferson used years after the first amendment was written, and have made it their battle cry. Jefferson spoke of a "wall of separation" between church and state. For him this wall was a dividing line, a fence, if you will, between friendly neighbors. The secularists have breathed into his metaphor a new and sinister meaning which he never intended. Jefferson spoke of a wall, but they have made it a rampart between church and state as though they were hostile elements in our country, instead of friendly partners claiming, each in its proper sphere, the allegiance of men's hearts.

I went to a public elementary school and to a public high school in Massachusetts, and during those 13 years all my teachers but two were Protestant and from them I learned a reverence for God and religion. I am sure that you learned the same lessons. Now we are being told that education must have nothing to do with God. Now we are being told that the United States Government must have nothing to do with God. Now we are being told that if children stand in their classroom and voluntarily, in twenty-two simple words, ask God to bless them, their parents, and their country, they are violating the Constitution and breaking the law of this land. This decision disregards the traditional rights of the overwhelming majority of parents and children. Firmly do I believe with Justice Stewart that "to deny the wish of these schoolchildren to join in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our Nation."

Little by little the old America disappears from us—a country whose religious tradition and faith in God were her granite-like supports and the firm pledge of her strong endurance. As President Kennedy stated in his inaugural address, "Our forefathers fought for the belief that the rights of man come not from the generosity of the state but from the hand of God." Yet, at every opportunity, the secularists proclaim religion and the state as hostile forces in our country, instead of friendly partners, each in its own way, serving mankind.

Theirs is a crusade, not for freedom of religion, but for freedom from religion. Their goal is to strip America of all her religious traditions. A classic example of their technique is the controversy over Federal aid to education. They have so purposefully obscured and confused the question that millions of God-fearing Americans have been led to believe that there can be no peaceful cooperation between God and our country.

A year and a half ago, the proposal was made to use Federal funds to enable the schools of America to improve their standard of excellence. At once the administration assumed the position that children in nonpublic schools could not be helped, and there are nearly six million children in nonpublic elementary and high schools throughout the United States. The administration contended that these youngsters must not benefit from any Federal program of educational assistance. And why? Because in most cases their education is God-centered; it is religious.

As education, it equals that given in public schools. Certificates of transfer from private to public schools are honored without question. These students learn to read and write and they learn geography and mathematics and languages and science and American history and they love their country just as much as do their friends in public school. They are preparing for the same responsible citizenship. And, side by side, with their public school neighbors, they will later take their places as the workers, teachers, technicians, scientists, and the fathers and mothers of the next generation. If our country is attacked, they will fight for it; they will die for it, as so many of them have done before. In addition, they pay their taxes to the Government. But some argue that not one penny of Federal funds may be used to improve the excellence of their education because in their schools, in addition to their regular subjects, they are permitted to learn about God.

This is injustice. This is discrimination. This is an economic penalty against the schools performing a public service for our country parallel to that of the public schools. These parents are penalized for exercising their constitutionally protected right to send their children to the school of their choice—a right which even the Supreme Court has upheld.

When Catholics protested this evident injustice, the forces of secularism took the position that they would prefer to see the Federal aid program die than have it benefit the children in God-centered schools. Why are they so eager to gain Federal funds for one school system alone? If with a firm and even hand taxes are applied across the board without regard for race, creed, and color, it would seem reasonable to suppose that the money thus collected would be distributed across the board with an equally firm and even hand. When we speak of Government money, let us remember that the Government does not create money. Taxes for education are also collected from the parents of these children. If no part of these taxes is returned in any form to aid the nonreligious aspects of their children's education, how can this be just? Is not this taxation without participation? And eventually and inevitably will it not strangle the splendid independent school systems which so many God-fearing parents of all religions have, with so many sacrifices, established and maintained?

Catholics, as a group, are not opposed to Federal aid to education. Most take the position that it is for the Congress to decide whether the schools of our country really need Federal funds. They simply say that if legislation is enacted, it should apply to all children on a non-discriminatory basis. Furthermore, many Americans fear the creation of a monopoly in our educational system. They cherish the survival of their God-centered schools, and they realize that such control by the Government can easily lead to Iron Curtain education. Indeed, the more variety in our educational systems, the richer will be our culture. My prayerful hope is that other independent schools will flourish in our beloved land. For as these independent schools grow, our free society will become stronger through this diversity of education. The recent unfortunate decision of the Supreme Court, therefore, may well become a blessing in disguise, if it alerts us to the dangers of a uniformity which would blind our children to the world of the spirit.

I am gratefully encouraged that since the current controversy on Federal aid began, frank discussions have cleared the air and clarified the issues. Leading authorities on constitutional law state that aid given for the nonreligious aspects of the education of children in God-centered schools is certainly not unconstitutional.

Moreover, on last June 25th, Mr. Abraham Ribicoff, the Secretary for Health, Education, and Welfare, declared that there is a wide range of entirely permissible financial assistance to private schools. I applaud this judgment, and I rejoice in the greater understanding that has more recently been brought to this controversy.

I have chosen this subject for my address to you this evening with the desire to clarify further these issues, and also to encourage you to help your neighbors understand why we must not take God out of the public school and force the child out of the private school. As members of the Fraternal Order of Eagles, you have pioneered social legislation; you have safeguarded the rights of all individuals; you have been farsighted in maintaining the traditions of America. Our children are America's hope, and the education of every last one of them is tremendously important to us all. Liberty, truth, justice, equality—these you have emblazoned on your Eagle coat of arms, and what is more important, you have put them into practice.

In pleading for our children, I know that I speak to an understanding audience, for the work you have done for the betterment of youth is well known. In arguing for the godly traditions of America, I feel the same confidence, for your motto—"Freedom under God's law in our world"—is no dead letter, but one by which you live. It is a motto which, if lived by all, will protect and preserve our beloved America.

BIRTHDAY TRIBUTE TO HERBERT HOOVER

Mr. KEATING. Madam President, the Nation pauses today to mark with deep respect and warm affection the 88th birthday of one of the great men of our time, Herbert Hoover. It is eminently fitting that America should pay homage to Mr. Hoover on this anniversary of his birth, for he has spent a lifetime in making us proud that we are his fellow citizens. This great, wise, and gifted man has made the high cause of humanity his career, and over a long and distinguished span of years he has committed himself selflessly to the furtherance of that cause.

The peoples of Europe remember, and will ever remember, Mr. Hoover, for the heart-lifting mission of mercy he performed in feeding the hungry millions of the war-ravaged continent in the dark aftermath of the 1914–18 conflict. It may well be said that this uncommon man with the common touch has never retired from his self-imposed labor of striving to make the world a better place than he found it back in those early years of struggle that helped both to temper the steel of his character and to warm the compassion of his heart.

Our oldest living ex-President stands before us today as both a challenge and an inspiration. The years appear to have accentuated rather than diminished his zest for life, his prodigious energy, his unfailing involvement in the betterment of the human society. Today, as he travels back over the miles and the years, on a sentimental journey to the town of his birth, West Branch, Iowa, there to dedicate the library erected in his honor, let our hearts and minds take that same journey, and let us stand in spirit beside this magnificent American and take pride in the Nation that proudly calls him its son.

NEW ENGLAND STATES MAKE IT 32 STATES FOR NEW YORK WORLD'S FAIR

Mr. KEATING. Madam President, earlier this summer Mr. Robert Moses, president of the New York World's Fair, said:

> A genuine world's fair is much more than a spectacle and circus. It is an olympics of progress and healthy rivalry, a vast coliseum dedicated to new friendships.

April 22, 1964, will see the first of the 70 million expected visitors to the New York World's Fair of 1964 and 1965—almost 30 million more than attended the 1959 Brussels Fair. These visitors will see the flags of at least 66 nations represented at the fair. More than 30 of the States will also have exhibits. These State exhibits will make the visit even more meaningful for our foreign visitors, for from them they will gain greater insight into the tremendous variety of traditions and values in our American society.

I am delighted today to call attention to the announcement on Monday, August 6, that the six New England States will be added to the list of participating States. The New England region has contributed a great deal to our Nation's heritage. The New England pavilion is an important addition to the New York World's Fair and I am confident that it will greatly augment the success and excitement of the fair.

Madam President, I ask unanimous consent to have printed at this point in the RECORD a statement about the proposed New England exhibit at the fair.

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

STATEMENT FROM WORLD'S FAIR CORP. ON NEW ENGLAND EXHIBIT

The six New England States were officially added to the roster of impressive exhibits to rise at the New York 1964–65 World's Fair, as the New England Council signed today with Robert Moses, president of the fair, for 81,518 square feet of space for an exhibit in the Federal and States area.

Signing for the council was its executive vice president, Gardner A. Caverly, who acted in behalf of the New England States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Among those present for the ceremonies was Representative Peter J. Cloherty, chairman of the New England States World's Fair Committee, and other members of the committee.

On display at the signing ceremonies was a scale model of the six-State pavilion which is designed through several individual structures to convey the theme of "New England: Where Our Past Began, Our Future Begins." It will house an exciting variety of exhibits portraying the historical landmarks, culture, seafaring background, and industry of this major sector of the American community.

In the regional portion of the exhibit the visitor will see original or replica landmarks affecting the development of the United States and the world, and a relief model of New England. From this regional section the visitor will move out through beautiful landscapes that provide a flavor and fragrance of New England, to the village green and amphitheater where a wide variety of events is planned from a town meeting to a performance by the Boston Pops Orchestra. There will be separate exhibits for each New England State showing past achievements along with future aspirations and serving as information and tourist centers. Another building in the multiple-State exhibit will house the finest in New England industry. Planned also is a fish hatchery, a country store, and a restaurant featuring foods for which New England has become famous.

ORDER OF BUSINESS

Mr. KEATING. Madam President, I should like to discuss another subject for about 5 or 6 minutes, but I do not desire to interfere with the plans of either the Senator from Utah [Mr. MOSS] or the Senator from Oregon [Mr. MORSE].

Mr. KEFAUVER. Madam President, will the Senator from New York yield to me?

Mr. KEATING. The Senator from Utah has the floor. Would it be agreeable to the Senator from Utah if I spoke for about 5 minutes on another subject?

Mr. MOSS. Madam President, under the unanimous consent agreement that I will not lose my right to the floor, I agree that the Senator from New York may continue.

Mr. KEATING. I appreciate the Senator's courtesy.

Mr. MORSE. Provided, however, that the yielding does not count as one speech.

The PRESIDING OFFICER. Without objection, that is the understanding.

FORMER PRESIDENT TRUMAN'S VIEWS ON COMMUNICATIONS SATELLITE BILL

Mr. KEATING. Madam President, I wish to comment on the sprightly remarks of the penultimate President of the United States, a former Member of this body. I quote from the New York Times, a most reliable journal, his remarks to reporters yesterday with reference to the communications satellite bill:

> I don't think the President understands the bill. The damned Republicans and some Democrats are trying to give away public property. The public spent $25 billion or $30 billion developing satellites and the communications system ought to be publicly owned.
>
> The Republicans will give away everything if you don't watch them.

It occurs to me that there is much more heat than light in that statement. The first reference; namely, to the understanding of the bill by President Kennedy, rather baffles me. I would not cast any aspersions on any President, but I venture the suggestion that the President of the United States understands the bill as well as the penultimate President understands it.

As to the next statement, that "the damned Republicans and some Democrats are trying to give away public property. The public spent $25 billion or $30 billion developing satellites," I would have to question not only the penultimate President's knowledge of budgeting, as was done yesterday by the distinguished minority leader, but also his knowledge of the Scriptures and the causes of damnation. Certainly damnation and glorification are no special province or prerogative of any political party or anyone of any race, creed, or color.

If the Republicans are to be damned, we certainly are in good company. The phrase "some Democrats" is rather interesting in correlation with President Kennedy's reference to the "handful of Democrats" who defeated the medicare bill. The penultimate President speaks of "some Democrats," when, in fact, we know that all but perhaps 10 or 15 Democrats favor the satellite bill, as well as all Republicans.

I have never known such a party of shrinking violets, trying to diminish its Members by describing its leading Members, most of its committee chairmen, and, in the case of the satellite bill, the majority leader, the majority whip, and nearly all members of three different committees, as "some Democrats." If I were one of these continually downgraded Democrats, I would seriously think of becoming a Republican, where my talents might be honorably recognized and where open arms would be extended.

Furthermore, if we are to be damned for the position that the penultimate President thinks we should not have taken, our present President himself must be included. He must be one of the damned, because he has reiterated his approval of the satellite bill, even so recently as his past press conference.

According to the penultimate President, the present President apparently has perpetrated a giant giveaway without even understanding what he is giving away. I have served in the Senate with the former Senator from Massachusetts, who is now the President of the United States, as have most of the rest of us in this body. We always looked upon him as a highly intelligent man. It is hard for me to follow the statement of the penultimate President that President Kennedy does not understand the satellite bill.

But, Madam President, I have considerable difficulty anyway in determining what is given away by means of the bill and why there is constant reference, in connection with the bill, to giveaway. The word "giveaway," which the penultimate President of the United States uses so glibly, is like many cliches which are used over and over again, frequently with little or no meaning.

Now let me ask, Madam President, just what is being given away by means of this bill. The U.S. Government does not now own outer space; so we could not give it away, even if we wanted to. The communications know-how has never been the property of our Government, to start with; so we could not give that away, either, if we wanted to.

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

The PRESIDING OFFICER (Mr. METCALF in the chair). Does the Senator from New York yield to the Senator from Tennessee?

Mr. KEATING. Mr. President, the Senator from Utah [Mr. MOSS] has the floor. By unanimous consent, he yielded briefly to me; and I promised to speak

for not more than 5 minutes. Of course I am perfectly willing to yield to the Senator from Tennessee if the Senator from Utah will permit me to do so, and if the Senator will first permit me to complete my statement. It will take me only about 2 more minutes to complete it.

Mr. MOSS. Mr. President, I yielded to the Senator from New York under a unanimous-consent agreement; and I prefer to have the Senator from New York complete his remarks.

Mr. KEATING. I shall complete them in about 2 minutes. If the Senator is then willing to have me proceed further, I shall be glad to engage in colloquy with the Senator from Tennessee.

Mr. President, the rockets and missiles necessary to shoot the satellites into space are indeed Government property, and the Government will be compensated for their use, as it was in connection with the Telstar firing. So we shall not be giving them away. The capital that this corporation needs will be obtained from the sale of stock. No stock is to be given away to anyone; on the contrary, it will be sold for $100 a share. So it is most difficult to see what is being given away.

The only gigantic giveway that I have found is in the penultimate President's own statement that President Kennedy does not understand the bill. If that is true, it has so far been the most carefully guarded secret in the Democratic Party. Certainly the information will come as quite a surprise to most Members of the Senate. I wonder whether our penultimate President would also suggest that the chairman and the other members of the Foreign Relations Committee, the chairman and the other members of the Commerce Committee, and the chairman and the other members of the Space Committee do not understand the bill either, for it has been favorably reported to the Senate from all of those committees; and, in the case of the Foreign Relations Committee, the bill was reported to the Senate without changing a comma in it. I assume that such a conclusion would follow from Mr. Truman's statement.

Mr. President, in all seriousness, let me conclude by saying that there is one possibility of a giveaway in this situation—and, so far as I can see, only one. It is that by our delay and by the filibustering here in the Senate we shall be giving away—in fact, I would put it even more strongly, and would say we would be throwing away—the best opportunity to get a cooperative business-Government venture underway, the best opportunity to establish and maintain our clear leadership over the Soviets, and the best opportunity to prevent one company—namely, A.T. & T.—from setting up a monopolistic control of communications satellites, because that company has put up the Telstar; and if we do not enact this bill, that company can put up several more Telstars. Mr. President, this bill is being sought in an effort to let others participate in this development, including the general public.

It would be a tragic giveaway of the lead we have established in this field if we did not pass this bill. And if that genuine giveaway took place, the entire, full, and complete blame would have to rest on the members of our penultimate President's own party—not on all of them, but only on those who understand the bill, as he apparently says he does, and on those who share his views.

I thank the Senator from Utah for his courtesy in yielding to me.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator from Oregon yield to me on the same basis as that on which he yielded earlier to the Senator from Utah? I wish to propound a request.

Mr. MORSE. Yes. But first I wish to ask the majority leader about the understanding he and I had concerning the postponed quorum call. I asked for a quorum call; and the majority leader asked that I withhold that request until certain insertions were made in the RECORD. I do not think either of us contemplated at that time that the Senator from Utah would first be recognized. However, he has now been recognized; and that creates the parliamentary situation that if I now ask for a quorum call, I shall have to do it by unanimous consent, insofar as preserving the rights of the Senator from Utah are concerned. Otherwise, his yielding for this purpose would count as one speech by him.

Mr. MANSFIELD. I am willing to go along.

Mr. MORSE. Mr. President, I ask unanimous consent that when the Senator from Montana finishes with his request, I may ask for a quorum call, without having that charged against the Senator from Utah, in connection with any of his rights.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, with the same understanding, will the Senator from Oregon yield now to me?

Mr. MORSE. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that various matters submitted by several Senators and now held at the desk be printed in the RECORD and that several bills and communications now held at the desk be considered as having been introduced and submitted, and appropriately referred.

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

COMMERCIAL COMMUNICATIONS SATELLITE SYSTEM

The Senate resumed the consideration of the bill (H.R. 11040) to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes.

Mr. MORSE. Mr. President, subject to my understanding with the majority leader that my suggestion of the absence of a quorum will not be charged as a first speech against the Senator from Utah [Mr. MOSS], I now suggest the absence of a quorum.

The PRESIDING OFFICER. With that understanding, the clerk will call the roll.

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

[No. 153 Leg.]

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

The PRESIDING OFFICER. A quorum is present.

Mr. MOSS. Mr. President, I have not yet taken occasion to speak on the bill or the amendment before the Senate. Earlier in the session today I supported the motion of the Senator from Oregon [Mr. MORSE] to call up his antifilibuster resolution (S. Res. 24). There should be a reasonable system for bringing debate to a conclusion so that the Senate may work its will after there has been ample time for discussion and debate. The motion of the senior Senator from Oregon was laid on the table.

Similarly I supported the motion to bring up the farm bill, which was also tabled, and the motion to bring up the drug bill. Those are both important measures with which the Senate should be concerned. I felt that we could well proceed to that business and thus serve the public interest, rather than prolong the discussion on the communications satellite bill because, in my opinion, the bill should not be voted upon in the Senate at this time. There has not been sufficient time to understand and discuss it. It could well be postponed until later in the year or until next year.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. MOSS. I am happy to yield to my friend the Senator from Pennsylvania for a question.

Mr. CLARK. Does the Senator agree with me that only four Senators, besides the Presiding Officer and the speaker, are now present in the Chamber?

Mr. MOSS. The Senator is correct, according to my count.

Mr. McCLELLAN. Mr. President, will the Senator yield? I observe six Senators.

Mr. CLARK. Mr. President, will the Senator yield for a further question?

Mr. MOSS. I yield to my friend from Pennsylvania for a further question.

Mr. CLARK. Am I not correct that unanimous consent was refused this morning to the request for any Senate committee to meet while the Senate is in session?

Mr. MOSS. I was present in the Senate and I heard the unanimous-consent request to authorize the meeting of committees.

Mr. CLARK. Mr. President, will the Senator yield for a further question?

Mr. MOSS. I yield for a further question.

Mr. CLARK. Is it not the general opinion that the reason for what I call the nonsensical rule that no committees may meet except by unanimous consent while the Senate is in session that Senators may be able to come to the Chamber and listen to the debate?

Mr. MOSS. It has been my understanding that that is the reason for the rule. But my experience during my term of service indicates that the rule does not operate with that result. Seldom are many Senators in their places on the floor of the Senate when there is a lengthy speech to be delivered.

Mr. CLARK. Mr. President, will the Senator yield for a final question?

Mr. MOSS. I yield again for a question.

Mr. CLARK. Will the Senator do everything within his power to help me have that rule changed next year?

Mr. MOSS. The Senator well knows that I favor a change in the rule, and I shall be most happy to support him in his efforts.

Mr. CLARK. I thank the Senator for his courtesy.

Mr. MOSS. Mr. President, in my view, the most important question which the Senate must decide with respect to space satellite communications in these critical last weeks of the session is: What do we have to gain by passing this legislation and what do we lose by deferring action for this session? I think the answer is clear: We have little to gain and much to lose by rushing legislation through at this time.

Less than a year ago there were Senators and Members of the other body who felt that there should be delay in the consideration of the communications satellite. I find in the printed record of the hearings before the Committee on Foreign Relations, which only today at noon reported the bill back to the Senate, a copy of a letter that was sent to the President of the United States about a year ago, signed by the Senator from Minnesota [Mr. HUMPHREY], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Oregon [Mr. MORSE]. The letter was also signed by 31 Members of the House of Representatives. I should like to read some excerpts from that letter:

After such a [space communications] system has become full operational, but not until then, we believe, can decisions be intelligently made as to whether such a system should be publicly or private owned and under what circumstances. * * * We do not at present know which system can be put into use first, nor which system will be most efficient once in orbit. Given this technological uncertainty, the complicated question of ownership and control of this system must necessarily be covered with an even greater haze of uncertainty. In order to insure that the rapid development of this new system is not impeded by a premature decision as to ownership, we are of the opinion that prudence requires a further investigation of the broadest aspects of the ownership question. Specifically, we believe that the debate over ownership should be separated from the development question until the entire system becomes fully operational. During this period development should proceed with all possible speed while careful study is given to the decision as to the control of these unripened fruits of science. * * * We have seen from past experience how the American Telephone & Telegraph Co. has been able to expand its monopoly position and strengthen its hold on the American economy by combining, under the aegis of one holding company, its equipment manufacturing concern, the Western Electric Co., and the operating divisions of the Bell Telephone System. Only by insisting upon the widest participation by all interested communications and aerospace manufacturers and operators can there be any hope that such a monopoly can be forestalled in this new and vital field. * * * Nor is there any logical or rational basis for excluding U.S. domestic communications common carriers from ownership in the system while granting companies which have no interest and virtually no investment in international communications service opportunity to participate in the system's ownership, particularly since the space satellite could provide domestic as well as international communications services. * * * [There is no justification for excluding communications and aerospace manufacturers, particularly when the record clearly demonstrates that a number of these organizations have a far greater contribution to make in expert technology than any of the 10 [international] "communications carriers." * * * Because we believe time and study are essential to wise decision-making, and because we do not want to prejudice the ultimate question of control and ownership during the period of study, we urge that (1) no decisions concerning ultimate control be made until the entire system becomes fully operational; (2) no contracts, decisions, or acts which may prejudice the ultimate decision as to ownership be agreed to until the entire system becomes fully operational. * * * The United States can demonstrate to the world what a democratic system can accomplish in developing a space communications satellite system. But if decisions are taken in haste and allowed to cramp and prejudice the rational development of the new gift of science, it is likely that we may not only prejudice a question of vital national concern, but we may hinder the rapid development of the system itself.

I realize that there have been many developments since that time, notably the monumental success of Telstar. I do not understand, however, that there has been any change which in any way undercuts or changes the rectitude of the position taken in that letter. We still do not know which system can be put up first or which system will be the most efficent. The monopoly power of A.T. & T. is every bit as apparent today, as it was last July. There is no more rational basis, today, for limiting the participation of noninternational communications carriers to less than is allowed international communications carriers, than there was last July a year ago. It is still true that a number of aerospace and communications carriers—who, under H.R. 11040 would be limited to no more than 10 percent of voting control—have made far greater contributions to expert technology than have some of the international common carriers—who, under this bill, would be permitted up to 50 percent of voting control. There is no more reason, today, for taking any step which may in any way prejudice the ultimate system which is put into use, than there was last July.

So I say today on the floor of the Senate that we must not rush in headlong to establish a communications satellite owned and controlled by one of the great monopoly corporations. This measure should be considered and refined and should be considered quietly by the Senate after there has been time for full experimentation.

The Senate Commerce Committee Report contains a memorandum by Prof. Leon Lipson, of the Yale Law School, who is also a consultant to the Rand Corp. on space satellite problems. This memorandum, dated November 1961, states:

At present, as was true at the time of the policy statement of July, we are in the phase of research and development. Several apparently promising approaches to a satellite communication system are being explored simultaneously; some involving low or medium altitude, random orbit, multiple satellite systems; others involving very high altitude, very large capacity, small number synchronous satellites; some being carried out by the Government; others by private industry under Government contract; and still others by private industry on its own initiative and at its own expense. So far as can be determined now, this duplication of effort is useful, and the fact that at some future date it may become evident that some of it led nowhere does not justify us in calling it wasteful now.

This present phase of exploratory research and development is, inescapably, a very expensive phase. It is natural that we should be under a temptation to wish to cut it short. On the basis of previous experience in Government-sponsored (and other) research and development, in war and peace, we must beware of cutting it so short that the total expense ultimately is increased by the enormous cost of false starts in production which have to be written off as truly wasteful.

The present situation enables us not only to await the result of the competition among ideas, systems, and subsystems; it enables us to await the result of competition among interested candidates for a central position in the management of whatever system is put into operation (A.T. & T., RCA, Hughes, etc.). So long as decisions on ultimate organizational form and operating franchise remain uncertain, the usual incentive toward doing the job well, fast, and relatively cheap will be powerfully supplemented by the hope of acquiring a preferred position by virtue of achievements in R. & D.

Of course, this phase must not be prolonged beyond the point of maximum usefulness. The Government ought to announce that at some specified future date it will, on the basis of its regular review of progress in R. & D., make a decision on which of the various exploratory approaches shows sufficient promise of feasibility to justify the allotment of pilot operating funds and which ones ought to be closed out.

Organizational decisions would be made at the same future date. The choice of the deadline should be made now by NASA; probably it would fall roughly 18 months from today. (This was said on November

14, 1961.) If necessary it could later be postponed; meanwhile, the various teams working on alternative approaches would have felt themselves under pressure to produce results relatively quickly.

A subsidiary advantage of postponing organizational decisions until the exploratory phase of R. & D. is further advanced, is that it would buy time for the working out of a sensible governmental policy on the organizational questions. This time is needed.

I have supplied emphasis as I copied the quotation into my text of the speech I am delivering. I reiterate, that this time is needed.

This attitude is also reflected in a Rand Corp. memorandum for NASA entitled "Communication Satellites and Public Policy" which was originally issued in 1960 and reissued this past December, which states, at page 104:

The more flexible the initial arrangements are, the better.

The same attitude appears in the thoughtful set of conclusions of the House Science Committee published on October 11, 1961:

The committee advises the encouragement of private enterprise to participate in this development to the limit of its resources, talent, and capacity. However, it is also the view of the committee that because of the many significant questions of public policy raised, and the absence of precedents on which to rely, the Government must retain maximum flexibility regarding the central question of ownership and operation of the system. No final decision should be made during the early stages of development which might prejudice the public interest or U.S. international relations.

Flexibility is absolutely essential. In the first place, we do not yet have a clear idea of the magnitude of this facility in terms of utility or profitability. In other words, we really do not know how valuable a piece of taxpayer property we are being asked to commit to an A.T. & T.-dominated corporation. We cannot know this for some time to come. As the President said in a speech on March 11 of this year, space is: "a field which is growing and changing so quickly no one can predict in precise detail what our future course will be or what other benefits will unfold for the Nation."—New York Times, March 11, 1962, page 1.

The president of the Bendix Corp. told the Senate Small Business Committee:

It is difficult at this early stage to visualize what is encompassed in space communications, but I am sure activities will probably exceed our imagination.

Second, as the Senator from Tennessee [Mr. GORE] and other Senators have shown, we have no clear idea of the type of international arrangements that will be necessary and how other countries will participate in the ownership or operation of this system. We are currently negotiating with the Russians and many others about space communications, along with many other space topics. We do not know what the outcome of these negotiations will be. We only know that they will be long and difficult and that they must succeed, for space cooperation is indispensable.

Third, numerous technical questions are unresolved. For example, we still have no idea whether the high system will be more effective than the low-orbit system. This decision is a momentous one, for the difference in cost and efficiency between the two systems is enormous. It has been estimated that the low system, with its dozens of satellites and complicated ground stations may cost more than $500 million, whereas the high system with its three satellites and simpler ground stations can be put up for possibly no more than $200 million. Decisions on this question cannot be made until next year at the earliest. The experimental prototype of the high system will not be launched before later in the summer. Relay is not due until sometime between now and September, according to NASA, and the experimental prototype for the high system, Syncom, will not be launched until the first of next year. Without the completion of these experiments, we cannot even begin to answer most of the vital questions.

Dr. Hugh Dryden, Deputy Administrator of NASA, told the Senate Committee on Aeronautical and Space Sciences:

Although there is no disagreement among the experts as to the desirability and necessity of communication satellite systems, there is disagreement as to the type of communication satellite system best suited for operational purposes. This next year's activities should help to resolve many of the technical unknowns. We need answers to such questions as the following: Can we design and place in orbit satellites which will exhibit extremely long lives? I have mentioned, I think, 17 days, and this is hardly a practical life for us in a system. The Echo satellite was unsatisfactory because of its changing in shape. We feel fairly confident that as far as the passive system is concerned, it is possible to put up a reflector of a long life. As you all know, the passive system, however, has disadvantages as well, and the ultimate decision on what system should be used for certain purposes will rest on the outcome of technical experiments.

What are the physical, chemical, and other characteristics of the space environment itself? What are the effects of the radiations and particles present in the space environment on the performance and life of satellite electronics? We made a recent experiment on Explorer 12 on the solar cells in which an unprotected cell lost its capabilities very quickly. The protection of a rather thin layer of glass caused some small decrease in capability for the particular exposure, which was not very severe. Cells under thicker glass showed no deterioration over the period in which Explorer 12 was giving data. We need much more information of that kind, and the satellites that you see here, in addition to the communications demonstration, will provide basic information of this kind.

What are the required antenna sizes, power, and other technical characteristics of the ground communications stations which are a necessary part of these systems? Only when some of these questions are answered may we expect agreement on the most desirable operational system.

Dr. Dryden subsequently estimated that we would not have a communications satelite system in operation for 5 years; RCA's president, Dr. Engstrom, said the first priority is technical.

DR. ENGSTROM'S JUDGMENT IS THAT BILL MAY BE PREMATURE

In a colloquy with the Senator from Nevada [Mr. CANNON] and other Senators, Dr. Engstrom made the following statements at Senate Space Committee hearings held in March of this year:

Senator CANNON. Doctor, in view of your testimony on this whole matter concerning the stage of advancement and the reluctance at this time to invest on behalf of your company, is it your view that this bill is premature at this time?

Dr. ENGSTROM. That is a conclusion, sir, that you could draw. In testimony which I gave at an earlier time, I indicated that I believed that it was more important to select a right system than it was to attempt to freeze certain other matters at this time. This does not mean, however, that if such a corporation is set up, that this would tend to freeze things, because they would have to go through the same steps in any case to arrive at a full practical and operating system. So I think it is wholly a matter of judgment as to whether the bill is premature or not. It need not certainly be premature.

Senator CANNON. Well, in your judgment, is it premature, in view of the fact that we are going ahead with the development program over the next period of time?

Dr. ENGSTROM. I think in view of the answers that I have given to questions, you could draw the conclusion that I think it is somewhat premature and that we would be better off if we had more facts before we face the problems the bill presents. But this is a matter of judgment.

Senator CANNON. If I correctly analyze your testimony, you feel that in a matter of 6 months or a period thereof that we would have more facts on which to base our judgment concerning the setting up of this organization?

Dr. ENGSTROM. Yes, sir; and in a year from now we would be on very much more solid ground because the programs we heard about this morning will be accomplished in their first stages during the next 12 months.

Senator CANNON. Do you see any specific disadvantages to not proceeding with this type of an organization at the present moment?

Dr. ENGSTROM. No; I do not see any disadvantages, except the matter that has come up in the questioning here. When I indicate that we are not ready to make an investment, maybe there would not be enough to carry it forward.

WE WILL NOT NECESSARILY LOSE BY DELAYING ESTABLISHMENT OF CORPORATION

Senator CANNON. Do you believe that if we do not set up this corporation in the immediate future, that that would put us behind in the schedule to be first in this area of space communication?

Dr. ENGSTROM. Not necessarily so. I think that if the programs which are scheduled by NASA and by others are prosecuted to the best ability of everyone concerned, we need not necessarily lose because of this.

PASSAGE OF BILL IS NOT FIRST PRIORITY ITEM

Senator WILEY. As I understand, you agree that the paramount national need is for the swiftest possible development of a practical operating satellite communications system. Is that correct?

Dr. ENGSTROM. Yes.

Senator WILEY. We have been talking about a bill that has not been born yet. I want to know how we are going to do this, how we are going to bring about the swiftest possible development of a practical operating satellite communications system. I would like to have your answer to that.

Dr. ENGSTROM. Yes, sir. We are going to do that by prosecuting as actively as possible the research and development program that we heard about this morning. This is the basic need at the present time. We need the information that is to come from the Relay project, from the Telstar project, from

the Syncom project, from the Advent project, and the other projects which will be born as we go through this year.

Senator WILEY. Then the question of whether or not this is the kind of a bill that should be passed is not the important thing, is it?

Dr. ENGSTROM. It is not the first-priority item.

Senator WILEY. All right. The second question I wanted to ask you is: What improvement would you make in the bill, to bring about the swiftest possible development of this communications system?

Dr. ENGSTROM. I am not sure, sir, that I see that the swiftest possible movement in providing the basis for a communications satellite system is directly related to the bill. It is more directly related to the research and development program which is now underway, and which will be augmented as we go along. The bill is related to the potential of an organization to carry on the communications when the facilities have become available.

Mr. President, Professor Lipson has pointed out that the United States needs time to resolve many of the complex technical and organizational questions which are yet unsolved. If we plunge ahead now, we shall be making crucial decisions in the dark.

Let us make no mistake about it: If we set up this corporation at this time, we shall be prematurely freezing the situation and tying our hands. The corporation we create will unquestionably be dominated by A.T. & T. and the other carriers. They will understandably, and properly, be interested in profitable operations.

Moreover, A.T. & T. has been promoting the low-altitude system. To me, it is patently apparent that if this corporation is established now, the low-altitude system will be used, because A.T. & T. is not going to abandon its well-advertised sponsorship in Telstar, regardless of any superiority of the high-altitude system. Once the low-altitude system is used, no sensible board of directors will scrap an investment of millions invested in Telstar. Then we shall, I am afraid, be stuck with it, irrespective of the merits of potentially competitive systems.

Historically, the inherently high capital cost requirements of the telecommunications industries have necessitated enormous capital outlays by A.T. & T. Once funds are invested in plant equipment, resistance to replacement—even with superior facilities—is great. This is not intended in any way to be a condemnation of the A.T. & T.; rather, it is purely a question of sound finances and management.

Moreover, I direct the attention of Senators to section 201(c)(4) of H.R. 11040 which reads:

The FCC shall—

* * * * *

(4) insure that facilities of the communications satellite system and satellite terminal stations are technically compatible and interconnected operationally with each other and with existing communication facilities.

Perhaps I fail to appreciate some sophisticated point of drafting, Mr. President; but I am struck by the fact that the only existing space communications facilities are owned by A.T. & T., and these are only compatible with the A.T. & T. system, Telstar. Further, 85 percent of the interstate communication facilities and all the international facilities are controlled by A.T. & T.

In view of these facts, it appears clear to me that section 201(c)(4) commits us to the A.T. & T. system, any other provisions of the bill notwithstanding.

Putting up and committing ourselves to the low-orbit system could hurt our international prestige immeasurably—as Vice President Troter of General Telephone told the Senate Small Business Committee:

A random orbital system could discredit us before the world as a leader in space communications if Russia established a stationary satellite system.

That satellite system would be a high-orbit system, in which the satellite would remain in relatively the same position with the earth as it rotated.

I continue the quotation:

If the United States went ahead with a low-random orbit system it would be possible for Russia to hold back until we are deeply committed to this system and had launched perhaps two-thirds of the satellites and then with three satellites the Russians could establish a truly worldwide system before our limited system was even in operation.

The Senator from Louisiana [Mr. LONG], before the Small Business Committee, asked this question:

In other words, we go ahead and strain and strain away and after getting about two-thirds of the way through, it would not be any good when we get it?

Dr. Trotter replied:

That is right.

Further, Dr. Trotter indicated in that discussion, the Russians—unhampered by the problem of sunk capital—are working on the high-orbit system.

It is said that it is urgent for us to establish this system now. I do not understand these arguments, which seem to me to rest on mistaken facts and shibboleths.

The first and most frequent argument I hear is that we must establish this corporation to "beat the Russians." For example, in the House debate, when asked why we had to decide at this time, Congressman HARRIS said:

The answer to that would be, let us sit on our thumbs and let the Russians take over. Unless we move forward and set up this organization, we are just sitting idly by and letting someone else take the leadership in just this program that is going to mean so much to our future.

But this is unsupported by Chairman HARRIS' own report accompanying the bill. In that report, it says:

The bill reported by your committee seeks to lay the foundation for accomplishing these objectives insofar as concerns the arrangements for U.S. participation in such a global system. The actual establishment and operation of such a global system, however, will depend entirely on future international arrangements involving the allocation of radio frequencies for such a system.

The international allocation of radio frequencies is under the control of the International Telecommunications Union (ITU) of which the United States is an active member. The need for international control of the radio spectrum has been recognized ever since the development of radio, and the need for such control has become more and more imperative as the uses for radio frequencies have increased with the growth of communications technology.

Since the radio spectrum is one of the most important natural resources and a truly international resource which knows no national boundaries, international control of the radio spectrum has constituted over the years one of the outstanding examples of international cooperation. This cooperation is motivated by the compelling realization that in the absence of cooperation all nations stand to lose the opportunity which can be theirs of making efficient use of this valuable resource.

This circumstance must be fully recognized in making our national plans for a global satellite communications system. In making these plans we must aim at machinery which will be flexible enough so that the United States will be in a position to secure general support for the allocation of frequencies for a global commercial communications satellite system.

There is widespread recognition in other countries of the prospective economic and political benefits which may be derived from the successful development of communications satellite relays. The International Telecommunications Union (ITU) has given active and foresighted attention to the problem of making available the necessary allocation of radio frequencies. Allocations for experimental space communications were made in 1959, and an extraordinary administrative radio conference is tentatively scheduled for late 1963 to consider allocations for continuing space communications users. If we are to secure general support for the allocation of frequencies for a global commercial satellite communications system, it will be important for other nations to feel that they will share in and benefit from the establishment of such a system.

The Federal Communications Commission, the Department of State, the National Aeronautics and Space Administration, and other interested Government agencies with the cooperation of the communications industry are now engaged in preparing the specific proposals for these allocations of frequencies which the United States expects to submit to the 1963 conference.

WHY LEGISLATION NOW?

In view of all of these facts which make the establishment of a global communications satellite system very much a thing of the future, the question might be asked why it is necessary to enact legislation now, and why the establishment of a communications satellite corporation cannot await the conclusion of the international agreements upon which the establishment and operation of such a global system depend. The answer to this question is very clear.

If a national policy of private ownership and operation of the U.S. portion of the international system is to be assured, the instrumentality therefor must be established now. If this instrumentality is not created at the earliest possible date, all planning for U.S. participation in the international system will have to be done by Government agencies. Our private communications carriers, especially in view of the antitrust laws, will be prevented from cooperating effectively with each other and with the Government agencies in preparing effective plans for U.S. participation in the international system. The creation at this time of the needed instrument, in the form of a private corporation, will provide the machinery through which existing carriers and other private individuals and groups which desire to participate financially in this new venture may do so. As a private corporation its

securities would, of course, be subject to applicable securities laws, including those administered by the Securities and Exchange Commission.

Whatever this means—and I have some doubts on that score—it clearly has nothing to do with beating the Russians, or getting the system operational 1 day sooner. What it seems to say is that the program must be turned over to A.T. & T. now because it will be harder to do so next year.

There is simply no relationship between passage of H.R. 11040 and achievement of an operational system. H.R. 11040 will have absolutely no effect on when we get a communications satellite system in operation.

In the first place, research and development are proceeding at top speed by the only organization which can do it—the U.S. Government. This is because, as Mr. Rubel said, 90 percent of the problem has to do with aerospace and only the Government can resolve these questions. Relay, Syncom, Advent, and other NASA and Department of Defense programs are moving as fast as possible and this proposed legislation will not affect them in the least.

The following colloquy between the Senator from Tennessee [Mr. KEFAUVER] and the vice president of Western Union at the Senate Antitrust and Monopoly Subcommittee hearings demonstrates this:

Senator KEFAUVER. Suppose you had a corporation of $200 million right now. What would it do with the money?

Mr. BARR. Well, for an appreciable period of time it would sit on its hands. Deferral of this legislation until next year will not delay the development of a space satellite communications system in any degree.

Mr. GORE. Mr. President, will the Senator yield for a question?

Mr. MOSS. I am happy to yield to the Senator for a question.

Mr. GORE. Does not the Senator think that a mistaken action such as the enactment of the pending bill picking a private corporation to be the chosen instrument of this country to conduct, on behalf of the United States, delicate and vastly important negotiations with foreign countries, might even hinder rather than help the achievement of a global satellite communications system?

Mr. MOSS. I agree that it might very well hinder the development. A private corporation is a creature of our law, a citizen in the sense of being a legal entity, and is beholden only to the Government which created it. It would have no status to negotiate in the international field, particularly with other governments involved. So the private corporation would be handicapped, would be unable to negotiate, or else would be put in the position, of necessity, of going to our own Government and asking our own Government to conduct negotiations on its behalf and to perhaps be a go-between, which obviously would complicate the problem, lessen the prospects, and make it much more difficult to work out any international agreement.

I think it is perfectly apparent to us all that this communications satellite which will orbit the earth and cross over the various countries of the earth will have to be controlled, if controlled at all, by an international agreement. There is no other way to do it.

The President, acting for the U.S. Government, is the only person who can speak for this country, for this sovereignty, in dealing with other sovereign states around the globe. Therefore, to tie this to a private corporation, when we are at the very beginnings, doing research and development, would be foolish indeed. It would tie the hands of this country in its attempt to move rapidly into this field of development of communications.

Mr. GORE. Mr. President, will the Senator yield for another question?

Mr. MOSS. I yield further to the Senator from Tennessee.

Mr. GORE. If the private corporation proposed to be established by the pending bill did not have authority to enter into negotiations looking toward and perhaps leading to the conclusion of binding agreements, does the Senator think that the governments of foreign countries would be particularly interested in negotiating with an agency which could not enter into valid and binding agreements?

Mr. MOSS. I am convinced that foreign governments would be very reluctant to do so. Most of them probably would not consider entering into any dealings at all with a private corporation which is a creature of this Government.

International law has developed over the years in respect to the field of treaty arrangements and bilateral national agreements between governments. Those have a certain status and stability, and have a certain meaning. Never at any time has international law contemplated an agreement between a private corporation, which is a creature of one of the sovereign governments, with another sovereign government to which it has no allegiance, which has no control over it, because there would be no basis for enforcing any kind of agreement of that sort. The parties would not be what we call, in law, privy to one another. They would have no basis for meeting. Sovereign governments must meet at the treaty level and adopt treaties or agreements, or else the government would have to speak for its entity. That is the only way there could be any agreement.

Mr. GORE. Is it the opinion of the Senator that if the corporation lacked authority to negotiate on behalf of the United States binding agreements with foreign nations, it would suffer a very severe—perhaps fatal—handicap in respect to development of a global satellite communications system, which this country earnestly seeks or should earnestly seek?

Mr. MOSS. That could very well be fatal. It poses so many problems either fatal or, if not fatal, so complex and unclear at this time that it would be wholly unwise to push on now to the creation of a corporation, until we clearly known what are the limits of authority and what may be done.

As I have tried to point out as I have discussed the problem today, nothing would be lost at all by delaying the creation of the corporation at this time because the research and development phase is going forward regardless. The Federal Government is responsible for the largest part of the research and development which is being conducted. That is moving now at top speed.

We would not handicap ourselves—in fact, we would free ourselves—if we put aside now the consideration of the bill until some of these things become clear in the development which is going on.

Mr. GORE. Mr. President, will the Senator yield for another question?

Mr. MOSS. I yield again for a question.

Mr. GORE. If, on the other hand, the private corporation should, by the pending bill, be vested with the right to negotiate international agreements on behalf of the United States under which the United States would be bound for its part in such a global satellite communications system as may be achieved, would the Senator think it a proper action on the part of the Congress so to vest a private corporation with a part of the sovereignty of the United States?

Mr. MOSS. I answer the Senator by saying I think it would be wholly improper. In fact, I think it would be unconstitutional, and very likely the question would be dealt with by the courts upon the bringing of a proper action before the courts. I do not believe the executive power and the Congress combined can alienate or assign to any private citizen, corporation, or group, any of the sovereign functions of our Government to deal in international relations. Therefore, I think it would be wholly ineffective to pass a measure of the kind before the Senate. But it could create great mischief if an attempt were made to take the necessary action and go through the proper steps to have a judicial declaration that it was an improper delegation.

Mr. GORE. Mr. President, will the Senator yield for another question?

Mr. MOSS. I yield for another question.

Mr. GORE. Then the Senator thinks that if the corporation were not clothed with the power to negotiate international agreements with other countries, foreign entities, and international agencies, it would be a handicap over which the conclusion of such agreements might be achieved only with the greatest of difficulty?

Mr. MOSS. I agree very heartily. The corporation, without the authority to negotiate agreements, could achieve very little because, as has been discussed, the satellite is one that would beam its rays down on many countries. If we should get into the high satellite system, only three satellites in outer space would cover the entire surface of the globe.

Therefore international agreement is absolutely essential to prevent chaos in the operation of a system of that sort. International agreement is essential to assign wavelengths, to stop interference, to agree not to interfere, and to consider questions of that sort. So international agreement is essential. In my opinion, international agreement cannot be negotiated by a private corporation. The

only way a binding international agreement can be negotiated is by sovereign governments themselves. Therefore to attempt to assign the system to a corporation would be futile; or if it were assigned and the private corporation tried to exercise the assignment, it would not be effective.

Mr. GORE. I take it that the Senator is referring to international political agreements that have foreign policy implications.

Mr. MOSS. I am, indeed.

Mr. GORE. Mr. President, will the Senator yield for another question?

Mr. MOSS. I yield.

Mr. GORE. Does the Senator not think that the bill if enacted, should be explicit as to whether or not the corporation to be created pursuant to the authority contained in the bill would have such authority?

Mr. MOSS. I agree that it should be explicit. It should not be in doubt or in question. The bill must be explicit as to what powers the corporation would have in that field. We have discussed the disabilities under which a private corporation would suffer in the international policy field.

Mr. GORE. Mr. President, will the Senator yield for another question?

Mr. MOSS. I yield.

Mr. GORE. Is the Senator aware that the report of the Space Committee states that the bill contains one such provision with respect to the authority of the proposed satellite corporation while the Committee on Commerce takes a different point of view in its report to the Senate?

Mr. MOSS. I am aware of the fact that there is a conflict of views in the reports of the two committees. The bill having been assigned to several committees, it has been looked at by different eyes, and different conclusions have been drawn. Therefore, we must conclude the provisions are not explicit. Reasonable men may differ on the interpretation of those provisions.

Mr. GORE. Mr. President, will the Senator yield for one final question?

Mr. MOSS. I yield further.

Mr. GORE. Does not the Senator think it incumbent upon the Senate in legislating upon a subject of such vast importance, involving dealing with other countries, and a subject in which the indexes of international law have not yet been established, to remove the ambiguity and legislate explicitly and clearly on the subject of vesting authority or not vesting authority, as well as in many other respects?

Mr. MOSS. I most certainly do agree. I think the subject with which we are dealing is one of the most far-reaching importance. Its implications for our Nation and for all the nations of the world cannot even be clearly seen as yet. But we know they will be sweeping. They will bring changes in our mode of living and communication with one another that we do not now foresee. Therefore we should be most explicit and careful as we draw the proposed legislation. I have tried to make the point in my speech to show that not only do we lack the element of being explicit and clear, but it is unnecessary that we take the proposed action at this particular time. There is much to be done in the field of research, development and perfecting communication, which is now being carried forward by the U.S. Government through various agencies of the U.S. Government.

Therefore the part of wisdom—the thing that would serve the public interest best—is to delay action now on the question of the management of a satellite system until such time as we have reached these other conclusions.

I thank the Senator.

Mr. President, I should like to continue quoting from testimony given before the Subcommittee on Small Business at its hearings in November of 1961. At that time the vice president of Western Union was on the stand. He was asked the following question by Mr. Gordon:

> Mr. GORDON. Who will pay for the research and development? Will the research and development be paid for by the public?
>
> Mr. BARR. Certainly by the public.
>
> Mr. GORDON. Paid for by the public?
>
> Mr. BARR. Certainly it is paid for in every other area.
>
> Mr. GORDON. On September 6, representatives of the General Electric Co., in appearing before the ad hoc committee, made the following statement—and you were present.
>
> Mr. BARR. Yes, sir.
>
> Mr. GORDON. "If there were no economic consideration involved we feel 1965 is a reasonable objective to get there. On the other hand, we do feel that this time period could be accelerated by a year or more if the Government felt this were desirable, in which case we assume the Government would pay the additional cost of approaching it in that manner."
>
> Is this not an admission, Mr. Barr, that speed in establishing a system depends on efforts by the Government, and is outside the capabilities of the private sector alone?
>
> Mr. BARR. I will take it a step further. Not only speed but the mere fact of establishing such a system depends upon the amount and the speed at which the research and development under NASA is taking place. This ad hoc committee, and the carriers themselves, are not doing anything. They are not doing anything insofar as launching the satellites. It is wholly in the hands of the Government. So we depend upon the Government for that complete effort and, therefore, whether it is speed or whether it is just in being at all, will depend upon the Government.
>
> Mr. GORDON. The Government puts it up there?
>
> Mr. BARR. Yes, sir.
>
> Mr. GORDON. The Government does all the research?
>
> Mr. BARR. Yes.
>
> Mr. GORDON. Both for putting it up there and for the communications equipment?
>
> Mr. BARR. Yes, sir.

The Senate Space Committee report pointed out that Government spokesmen, including Mr. Webb, Dr. Welsh, and Judge Loevinger "do not necessarily feel that the ownership question must be decided immediately."

Second, international negotiations are proceeding as fast as possible at this very moment. These negotiations will be long, complex and difficult. They can only be conducted by the Government. No organizational decision can be made with respect to them at this time.

Moreover, the extraordinary conference of the International Telecommunications Union for the allocation of radio frequencies is not due to take place until late 1963. Without such an allocation, no satellite system could operate.

In short, as the vice president of Western Union said:

> There is no connection between research and development work that will bring the satellite into function at the earliest date and the date at which this bill is passed.

Legislation at this time will not speed up the achievement of an operational system by 1 day. Until we know the type of system, we cannot begin to build the hardware; until we build the hardware, we cannot train a staff to use it.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. HICKEY in the chair). Does the Senator from Utah yield to the Senator from Louisiana for a question?

Mr. MOSS. I yield for a question to the Senator from Louisiana.

Mr. LONG of Louisiana. I ask the Senator whether he does not agree that this is one of the worst bills that he has experienced while he has been in the Senate.

Mr. MOSS. Well, Mr. President, I certainly have very grave doubts about this bill, and I have tried to express my doubt at considerable length. I believe that it leads us into an area of questionable practice. Therefore I plead with the Senate to delay consideration of it. There is no reason for us to press forward on it now. As I have been quoting from the vice president of Western Union, not 1 single day will be gained or lost by the passage of the bill, because we are going forward with the research and development factor as rapidly as possible through the agencies of the Federal Government.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

Mr. MOSS. I yield for a further question.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana for a question?

Mr. MOSS. I am happy to yield for a further question.

The PRESIDING OFFICER. The Senator yields. The Senator from Louisiana will state his question.

Mr. LONG of Louisiana. I should like to ask the Senator from Utah whether the telephone company has made any proposals to him.

Mr. MOSS. I can answer in all honesty that I have had no communications with the telephone company in any way concerning this bill or anything relating to it. I have to answer that in the negative.

Mr. LONG of Louisiana. Will the Senator yield for a further question?

The PRESIDING OFFICER. Does the Senator from Utah yield for a question?

Mr. MOSS. I am happy to yield to the Senator.

Mr. LONG of Louisiana. For a question only.

Mr. MOSS. For a question only.

Mr. LONG of Louisiana. I will ask the Senator this question. Can he imagine how much money might be saved if instead of pushing a message

through 50 microwave channels, it were possible to put it through 1? Can the Senator imagine what it would be worth A.T. & T. to prevent that from happening?

Mr. MOSS. My technical knowledge is not great enough to give any estimates of the amount of money involved, except to say that I realize that it is of immense size and immense value. The amount of money to be reaped in this field obviously is extremely great. If it should accrue to one corporation it might mean a tremendous profit.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

The PRESIDING OFFICER. Does the Senator from Utah yield for a further question to the Senator from Louisiana?

Mr. MOSS. I yield for a further question to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator will state his question.

Mr. LONG of Louisiana. Has the Senator had proposals made to him that he could own a telephone building in his State?

Mr. MOSS. I reiterate the answer I gave before, to a similar question. I have had no communication with representatives of the telephone company concerning this bill or any related aspect of it. So I must answer that I have had no proposition of that sort or anything akin to it suggested to me.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana for a question?

Mr. MOSS. I yield to the Senator from Louisiana for a further question.

Mr. LONG of Louisiana. It would not have been impossible for an attempt to have been made to approach the Senator in this matter, however, would it?

Mr. MOSS. I am tempted simply to say yes to that, but in all good humor I must say that I do not think that my reputation is any different from that of any other Senator. I simply have had no communications of that sort, and I would not expect that I would have.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana for a further question?

Mr. MOSS. I am happy to yield for a further question.

The PRESIDING OFFICER. The Senator from Louisiana will state his question.

Mr. LONG of Louisiana. Has my good friend ever heard the old saying, "Keep the price as high as the traffic will bear"?

Mr. MOSS. I have heard the saying. I believe it has various interpretations. I do not know which to apply at this point.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

The PRESIDING OFFICER. Does the Senator from Utah yield for a further question to the Senator from Louisiana?

Mr. MOSS. I am happy to yield for a further question to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator will state his question.

Mr. LONG of Louisiana. Did it ever occur to the Senator that what the American Telephone & Telegraph Co. is worried about is cheap rates, and the fear that if the bill should not become law, A.T. & T. might not be able to control the satellite, and, therefore, rates might be cut by 100 percent? Did it ever occur to the Senator from Utah that the whole object of the bill might be to enable A.T. & T. to control this operation and thus prevent telephone rates from coming down?

Mr. MOSS. It has occurred to me, and I have thought about it. This is a very competitive field, and since A.T. & T. is already in the international communications field with cables and microwave radios, it obviously would be concerned with any competitive system which might take away any part of the business it now has. Therefore, I assume A.T. & T. is very much interested in the operation and in being the operator of the kind of system which is provided in the bill. I am sure that is the reason for the great interest of A.T. & T. It is a competitive, economic question with them.

Mr. LONG of Louisiana. Mr. President, will the Senator from Utah yield for a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana for another question?

Mr. MOSS. Mr. President, I am happy to yield to the Senator from Louisiana for a further question.

Mr. LONG of Louisiana. Did it ever occur to the Senator that he might be one of the few Members of Congress who has never had the opportunity to own a telephone building?

Mr. MOSS. It has occurred to me, but I must admit that I have never had any ownership in a telephone building, nor do I expect to own one.

Mr. LONG of Louisiana. Mr. President, will the Senator from Utah yield for a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana for a question?

Mr. MOSS. I am happy to yield to the Senator from Louisiana for a question.

Mr. LONG of Louisiana. Does it not appear to be unfair that some Members of Congress are permitted to own telephone buildings, while others are not, and that this is a matter of discrimination among Representatives and Senators?

Mr. MOSS. I must answer the Senator by saying that it is a type of discrimination with which I am sure we have all learned to live, in that some of us own much more of the world's goods than do others; and all of us, I suppose, are seeking to acquire a reasonable amount of the world's goods. But when the question is reduced to telephone buildings, that is a little beyond my immediate realm of experience.

Mr. LONG of Louisiana. Mr. President, will the Senator from Utah yield for another question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana for another question?

Mr. MOSS. I am very happy to yield for another question.

Mr. LONG of Louisiana. I ask my good friend, who is a moral, conscientious man, Would it not occur to him that if some Senators and Representatives are to own telephone buildings, others are also entitled to own such buildings?

Mr. MOSS. I certainly hope that if it became the style for some Senators to own telephone buildings, such ownership would be universal throughout the Senate, and that I might participate in it, provided that to gain such ownership I would not be required to violate my conscience in any way and could take whatever action I felt was called for on a measure before the Senate.

Mr. LONG of Louisiana. Mr. President, will the Senator from Utah yield for a further question?

Mr. MOSS. I am glad——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana for a further question?

Mr. MOSS. I am happy to yield to the Senator from Louisiana for a further question.

Mr. LONG of Louisiana. Did it ever occur to the Senator from Utah that if a Representative from one district in Louisiana should be permitted to own a telephone building in his hometown, Representatives from the other districts should be permitted to own the telephone buildings in their respective hometowns?

Mr. MOSS. The fact of ownership of the building does not disturb me so much as the question of how the ownership is acquired. If a Representative from a particular district, because of his economic resources, fairly mustered and expended, could obtain ownership, that would be perfectly all right. The other Representatives may not care to own a building or may not be able to muster the necessary resources.

But if it came down to the question of whether ownership is obtained in a questionable manner, then, of course, I think we would have something about which to be concerned. I would not want to be in a position to say that if one can acquire ownership in a questionable way, all others should also be able so to acquire it. I should say that one should have no advantage over another.

Mr. LONG of Louisiana. Mr. President, will the Senator from Utah yield for a further question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana for a further question?

Mr. MOSS. I am happy to yield to the Senator from Louisiana for a question.

Mr. LONG of Louisiana. Does not the Senator from Utah come from an area where discrimination is opposed?

Mr. MOSS. That is correct. I come from an area which, I think, as an area opposes discrimination; and I should like to be counted personally as one who opposes any discrimination.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana for a further question?

Mr. MOSS. I am happy to yield to the Senator from Louisiana for a further question.

Mr. LONG of Louisiana. If one is to become rich from this bill, why should not we all become rich?

Mr. MOSS. The Senator from Louisiana poses a most difficult question to answer. I can answer it only by saying that although I believe in uniform treatment, and to that extent would say that everyone should get rich, if any are getting rich, I must also hasten to include in the answer that I think no one should get rich by any improper motive or action of any sort. If any such question were involved, I would rather be counted among those who did not get an advantage, because I do not seek monetary reward by compromising principle.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

The PRESIDING OFFICER. Does the Senator from Utah yield for a further question?

Mr. MOSS. I am happy to yield to the Senator from Louisiana for a further question.

Mr. LONG of Louisiana. If this bill passes, it may be that some people will own telephone buildings, have their loans for such endorsed, and will get great advantages. Does the Senator feel he should be excluded from some of the beneficial advantages simply because he votes against the bill?

Mr. MOSS. I hope I shall never suffer any disability by reason of my voting either for or against it; but I would not expect to gain any monetary reward either by opposing or supporting the bill. I think my position should be, as I hope that of every other Senator and Representative would be, to do that which I feel is in the public interest. I think I should do whatever is for the good of the country and for all the citizens, and not be concerned about any personal advantage or disadvantage.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana for a further question?

Mr. MOSS. I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Has the Senator from Utah read the Drew Pearson column of this morning, which was written by Jack Anderson?

Mr. MOSS. I skimmed through that article quickly this morning, and earlier this afternoon the Senator from Oregon [Mr. MORSE] quoted the article on the floor of the Senate. I heard the article read at that time, so I have some familiarity with it.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana for a further question?

Mr. MOSS. Mr. President, I am happy to yield for a further question.

Mr. LONG of Louisiana. Has the Senator from Utah ever heard the expression which the Senator from Louisiana learned when he was in his knee breeches; namely, "cross lobbying."

Mr. MOSS. Yes; I have heard of it.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana for a further question?

Mr. MOSS. I yield to the Senator from Louisiana for a further question.

Mr. LONG of Louisiana. Will the Senator from Utah please give his best understanding of the meaning of cross lobbying?

Mr. MOSS. Mr. President, since I am rather limited in my knowledge of cross lobbying, and since I have admitted that I heard of it only recently, I would prefer to have the Senator from Louisiana explain it, for he admits that he has heard about it since he was in knee breeches. My knowledge of cross lobbying does not go back that far.

Mr. LONG of Louisiana. Mr. President, will the Senator from Utah yield for a further question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana for a further question?

Mr. MOSS. I yield for a further question.

Mr. LONG of Louisiana. Will the Senator from Utah give me his understanding of cross lobbying, so that I might compare it with mine?

Mr. MOSS. Mr. President, not only do I feel some inability properly to define the term, but I also realize that if we were to reach a point where I obtained from the Senator from Louisiana, not a question, but a statement——

Mr. LONG of Louisiana. An invitation——

Mr. MOSS. Then I might be charged with having concluded my first speech. Inasmuch as I do not wish to find myself in that situation, I yield only for a question.

Mr. LONG of Louisiana. Mr. President, will the Senator from Utah yield for a further question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana for a further question?

Mr. MOSS. I am happy to yield for a further question.

Mr. LONG of Louisiana. Did it ever occur to the Senator from Utah that if the telephone company, the power company, and the water company decided that they had the same interest, they might join in an attempt to influence the press?

Mr. MOSS. Yes; and I believe there have been cases in which corporations have teamed together, as it were, to try to achieve such a result.

Mr. LONG of Louisiana. Mr. President, will the Senator from Utah yield for another question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana for another question?

Mr. MOSS. Mr. President, I am happy to yield for another question.

Mr. LONG of Louisiana. Did it ever occur to the Senator from Utah that the pincipal advocate of cross lobbying might be the American Telephone & Telegraph Co.?

Mr. MOSS. It has occurred to me—although I cannot say that I know it as a fact—that A.T. & T. might be involved in cross lobbying.

Mr. LONG of Louisiana. Mr. President, will the Senator from Utah yield for a further question.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana for a further question?

Mr. MOSS. I shall be happy to yield for a further question, Mr. President.

Mr. LONG of Louisiana. Did it ever occur to the Senator from Utah that if every enterprise involved in cross lobbying with A.T. & T. and its 17 subsidiaries held true to its original agreement, no newspaper in the United States could survive unless it published the editorials written by A.T. & T.?

Mr. MOSS. I am well aware of the economic pressures which advertisers and others have with the press; and I assume that terrific pressure could be exerted by those companies if they acted jointly with that as a purpose.

Mr. LONG of Louisiana. Mr. President, may I ask the Senator from Utah to yield for a further question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana for a further question?

Mr. MOSS. I am happy to yield for a further question.

Mr. LONG of Louisiana. I regret that I did not hear the statement the Senator from Utah made about the Drew Pearson article. But did the Senator from Utah hear what happened to a poor little country weekly when it dared print the truth about this debate?

Mr. MOSS. I am aware of the report in the article as to what occurred, and I must say that I find it very shocking to read that in the article.

Mr. LONG of Louisiana. Mr. President, will the Senator from Utah yield for a further question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana for a further question?

Mr. MOSS. Mr. President, I am happy to yield, although I must say that I shall be able to yield only once or twice more, because I have invited a number of guests to attend a reception at 5 o'clock, and I must meet them; and I wish to finish my speech first.

Mr. LONG of Louisiana. Mr. President, under the circumstances, I shall not ask that question.

But does the Senator know that I am so outraged about this bill that I am going to take all day tomorrow to talk about it?

Mr. MOSS. Mr. President, I have learned—from discussions earlier today with the Senator from Louisiana and with other Senators—that the Senator from Louisiana expects to speak at considerable length tomorrow on the floor of the Senate; and I know the depth of his feeling in regard to the issue before the Senate. Therefore, I believe that the speech to be delivered by him on the floor of the Senate tomorrow will be a most interesting and powerful one, and I hope I can be in attendance at that time, because I should like to hear his speech.

Mr. LONG of Louisiana. Mr. President, will the Senator from Utah yield for a question—just one more?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana for just one more question?

Mr. MOSS. I am happy to yield for a question.

Mr. LONG of Louisiana. May I ask the Senator from Utah, because nothing will happen in the Senate, which I can guarantee, why not get a good day's rest tomorrow?

Mr. MOSS. I thank the Senator from Louisiana very much. I assure him that I shall try to be present in person tomorrow, or else I will very carefully read the RECORD, because I will be most interested in the speech which will be delivered by him tomorrow on the floor of the Senate.

Mr. President, at this time I wish to continue with my prepared remarks.

A moment ago I discussed the testimony given by Mr. Barr, vice president of Western Union.

Nor will a newly formed corporation foot any substantial part of the research expenditures. As I have said, the necessary, expensive, and difficult R. & D. can be—and is being—done only by the Government. NASA Administrator Webb has stated that even after the corporation is established, NASA and the Department of Defense will continue to do this expensive and vital communications research.

I am, therefore, troubled by the possibility that the only reason for rush to pass H.R. 11040 is to insure A.T. & T.'s continued monopoly.

Let me be absolutely clear on this point. I certainly do not mean in any way to impugn the motives of the supporter of this bill. I know that the Senator from Rhode Island [Mr. PASTORE], the Senator from Oklahoma [Mr. KERR], and my other friends and colleagues are dedicated public servants who deeply believe in the rectitude of what they are trying to do.

It seems so clear to me, however, that in plunging blindly ahead at this early date with what is essentially a decision on financial policy—not on technological development—the road is strewn with grave pitfalls. To warrant the following of such a perilous course, strong justification is needed.

Despite all the hearings and debates which have been held, Mr. President, I do not believe any such strong justification has been shown.

Let us examine some more, specific reasons given for the creation of this corporation this year. I read from the report of the Senate Commerce Committee:

> However, if the existing and potential competence within the United States with respect to this technology is to be most effectively translated into practical application, it is necessary now to enact legislation which will guide further developments toward this goal. It is important that the roles of private enterprise and the Government be defined at this time and that an appropriate instrumentality be created by which such national policies are to be effected. It is to these ends that your committee recommends enactment of this legislation.

Mr. President, that is not a reason. It is a conclusion. We are told it is important; but why is it important? What shall we lose by waiting at least until next year? In this connection, I should like to quote from the forceful statement made by the distinguished senior Senator from Oklahoma [Mr. KERR], during the Senate debate in 1954 on atomic energy patents.

He said:

> Mr. President, I ask, why rush, in the closing days of this session, to give it away? We shall still be sovereign when we return in January. If, when we return, our hearts are pierced with regret that we have let pass this great opportunity to give this away, we could rectify that next January; we could give it away then. [Laughter.]
>
> But, Mr. President, I remind Senators of this irrefutable fact: If we give it away this July, we cannot recapture it next January.
>
> So why all this hurry, Mr. President? We have done pretty well, this session, in the field of giving things away.

On June 19 last, the following was said by my good friend, the distinguished senior Senator from Rhode Island:

> The Senator [GRUENING] has asked me, "Well, why do we have to do it now?"
>
> First of all, because I personally think it is a good thing to get going; second, we have the instructions of the President of the United States. I cannot give the Senator a better answer than that.

With the deepest respect for my colleague and my President, I submit that that is less than a fully convincing answer. As a part of the legislative branch in the Goverment, we have an obligation to consider the wisdom of such a measure on an independent basis. We have no right to abdicate our legislative responsibility to the President.

And while I have the fullest respect for my friend from Rhode Island, I think we have a right to a more detailed answer than "it is a good thing to get going." It is certainly important to get going on developing the operational system, and this is being done. But it is much more important to get going in the right direction and at the right time.

When we turn to the House report, we find little further enlightenment:

> WHY LEGISLATION NOW?
>
> If a national policy of private ownership and operation of the U.S. portion of the international system is to be assured, the instrumentality therefore must be established now. If this instrumentality is not created at the earliest possible date, all planning for U.S. participation in the international system will have to be done by Government agencies. Our private communications carriers, especially in view of the antitrust laws, will be prevented from cooperating effectively with each other and with the Government agencies in preparing effective plans for U.S. participation in the international system. The creation at this time of the needed instrument, in the form of a private corporation, will provide the machinery through which existing carriers and other private individuals and groups which desire to participate financially in this new venture may do so.

But most of the space planning must be done by governmental agencies for the next few years. Necessary planning is so broad that it must be on an intergovernmental level. There will be no so-called purely business arrangements to be made for a long time, for there will be no commercial system for the next few years.

Private carriers will not be able or required to cooperate more than they do now by the mere passage of H.R. 11040. And, there is nothing to prevent them from cooperating with any governmental agency if necessary.

And as to machinery for financing, if Chairman HARRIS is correct in his statement that many brokers have full orderbooks for this stock, it will not take long for individual and corporate investors to buy in. It will certainly not take the year or more that will elapse before we know enough to begin using the corporation's capital for buying and building equipment for the right system.

It thus seems clear to me that there is nothing to gain and much to lose by enacting this legislation now.

We stand on the threshold of one of the greatest adventures in human history—the entry into the space age. Our accomplishments so far have made it possible to envision an operational satellite communications system. Future activities may make a space transportation system possible. We dare not start off on the wrong foot with a hasty, prematurely conceived form of organization which will become a binding precedent.

Americans are an impatient, active people. We want to settle problems quickly and finally. But we should go slowly in giving up public control of one of the first fruits of space age, financed by the taxpayer. It is especially wrong to do so by prematurely freezing a situation that should remain fluid. The administration and the American people need a chance first to think about what is involved.

Let me briefly summarize the points I have attempted to emphasize to my colleagues—points which convince me that our wisest course at this time would be to defer final decision on the financial mechanics of our Nation's space satellite program, pending further consideration.

First, the problem which most troubles me, and which apparently is most disturbing to my colleagues, is the problem of international negotiations. It is essential that the United States represent itself in the world communications arena—full and free communication between peoples is our greatest hope for

world peace. Negotiations by proxy, through the instrumentality of a private business space satellite monopoly would be intolerable.

I realize that we have been given many assurances by H.R. 11040's proponents that this will not happen. However, on the face of the bill itself, the answer is far less certain. Moreover, I am not aware of any extensive deliberations of the problems of international law relating to space satellite communications having been made in hearings either in the House or Senate committees.

That includes the hearings before the Senate Foreign Relations Committee.

Second, it seems clear to me that at this early stage in our technology and research and development, the establishment of a financial organization which may in anyway limit our technical horizons would be suicidal. I must confess that I find the possibility inescapable that a private corporation, dominated by a company with vast capital commitments, will be less than completely willing to accept each and every new improvement which is developed.

Third, as RCA and Western Union, among others, have pointed out, there is no connection whatsoever between the enactment of H.R. 11040 and the achievement of an operational space communications system.

I have heard it argued that the wonderful success of Telstar demonstrates and proves the need to immediately establish this corporation. I cannot understand this argument. It seems to me that the launching of Telstar demonstrates quite the reverse, to wit: that research and development is proceeding at full speed and will continue to do so with or without H.R. 11040.

I have noted several other arguments which, in my opinion, cut in the same direction. On some, it is inescapably clear to me that the wisest course for us to follow at this time would be full speed ahead on research and development, but cautious, further study and appraisal of the establishment of a corporate form of business organization to be created.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

H.R. 11040. An act to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes (Rept. No. 1873).

(See the reference to the above report when submitted by Mr. FULBRIGHT, which appears under a separate heading.)

By Mr. ERVIN, from the Committee on the Judiciary, with amendments:

H.R. 10431. An act to revise, codify, and enact title 37 of the United States Code, entitled "Pay and Allowances of the Uniformed Services" (Rept. No. 1874);

H.R. 10432. An act to amend title 39, United States Code, to codify certain recent public laws relating to the postal service and to improve the code (Rept. No. 1875);

H.R. 10433. An act to amend title 10, United States Code, to codify recent military laws, and to improve the code (Rept. No. 1876); and

H.R. 10931. An act to revise and codify the general and permanent laws relating to and in force in the Canal Zone, and to enact the Canal Zone Code, and for other purposes (Rept. No. 1878).

By Mr. JOHNSTON, from the Committee on Post Office and Civil Service, without amendment:

H.R. 8564. An act to amend the Federal Employees' Group Life Insurance Act of 1954 to provide for escheat of amounts of insurance to the insurance fund under such act in the absence of any claim for payment, and for other purposes (Rept. No. 1877).

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Acting Administrator of General Services Administration on August 2, 1962, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

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

By Mr. DIRKSEN:

S. 3629. A bill for the relief of Dr. Louis Brandes; to the Committee on the Judiciary.

By Mr. TOWER:

S. 3630. A bill for the relief of Lolita G. Soriano; to the Committee on the Judiciary.

By Mr. JOHNSTON (by request):

S. 3631. A bill to amend title 13, United States Code, to preserve the confidential nature of copies of reports filed with the Bureau of the Census on a confidential basis;

S. 3632. A bill to amend the Federal Employees Health Benefits Act of 1959 to provide additional choice of health benefits plans, and for other purposes; and

S. 3633. A bill to amend the Retired Federal Employees Health Benefits Act with respect to Government contribution for expenses incurred in the administration of such act; to the Committee on Post Office and Civil Service.

TRADE EXPANSION ACT OF 1962—ADDITIONAL COSPONSORS OF AMENDMENTS

Under authority of the order of the Senate of August 2, 1962, the names of Senators LONG of Missouri and RANDOLPH were added as additional cosponsors of the amendments submitted by Mr. MUSKIE (for himself, Mr. BARTLETT, Mr. CHAVEZ, Mr. COTTON, Mr. DODD, Mr. MURPHY, Mr. PASTORE, Mr. PELL, and Mr. WILEY) on August 2, 1962, to the bill (H.R. 11970) to promote the general welfare, foreign policy, and security of the United States through international trade agreements and through adjustment assistance to domestic industry, agriculture, and labor, and for other purposes.

NOTICE OF HEARINGS ON NOMINATIONS OF E. AVERY CRARY AND JESSE W. CURTIS, JR., TO BE U.S. DISTRICT JUDGES, SOUTHERN DISTRICT OF CALIFORNIA

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Friday, August 17, 1962, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

E. Avery Crary, of California, to be U.S. district judge, southern district of California, vice Ernest A. Tolin, deceased.

Jesse W. Curtis, Jr., of California, to be U.S. district judge, southern district of California, a new position.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from South Carolina [Mr. JOHNSTON], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

UNIONS AND THE ANTITRUST LAWS

Mr. METCALF. Mr. President, on May 3 the junior Senator from Texas spoke on the floor of the Senate on the subject "The Labor Antimonopoly Bill." In his speech the Senator from Texas discussed a bill he has introduced, S. 2931, entitled the "Labor Union Antitrust Laws Amendments of 1962." This bill proposes to enlarge in certain respects the application of the antitrust laws to unions.

We are all familiar in a general way with the considerations which led the courts and the Congress to exempt unions, generally speaking, from the provisions of the antitrust laws. Workers form unions so that by acting together they can increase their bargaining power in negotiations with employers, and thus secure better wages and working conditions. Thus if the labor of a worker is treated as being just like a commodity which a merchant has for sale, the functioning of a union necessarily involves monopoly or restraint of trade, since it involves the elimination of wage competition, that is of competition among employees for jobs by offering to work for lower wages. The whole notion of a union is that by acting together workers will be able secure higher wages. On the other hand, any agreement among competing sellers of goods fixing the prices at which they will sell is a violation of the antitrust laws.

Thus, if antitrust doctrines are to be applied to unions, and the labor of a worker is to be treated as being the same as a commodity for sale, all labor unions should be forbidden, and replaced by periodic auctions at which jobs are parceled out to workers bidding to work at the lowest wage. Unions would be eliminated under this theory, because the very purpose of unions is to limit the power of employers to drive down wage rates and enforce substandard working conditions.

At one time the courts did regard the labor of a worker as being in the same category as a commodity offered for sale, and on that basis they held that unions were illegal as a conspiracy to raise wages. However, this point of view fell into disfavor more than a century ago. Today no one really proposes to establish an economic system under which workers compete with each other to supply labor at the lowest possible cost.

No responsible social critic believes that competition among manufacturers should be carried on on the manufacturer's ability to obtain the lowest possible labor rates instead of on the basis of relative efficiency or ability to produce. The social advantage of competition is that it rewards the most efficient producer and thus guarantees the optimum use of our economic resources. There is no social advantage to be gained by allowing manufacturers to compete on the basis of sweatshop wages.

These considerations led the courts and the Congress to conclude that labor should not be regarded as a commodity, for purposes of antitrust law.

No one today thinks it socially desirable to force workers to compete with each other for jobs by offering to work for lower wages.

And very few people contend that unions should compete with other unions by offering to supply labor to employers for lower wages. In this country we do not believe in a low wage economy, and we do not believe that the labor of a person should be equated with a commodity for sale.

In his speech the junior Senator from Texas said that in the early years of union development it was recognized that a union's bargaining power was in proportion with its economic strength and it was, therefore, felt by many that a union should be free to organize as completely as possible the total labor supply in an area. Otherwise, according to the junior Senator from Texas, the employer could replace union workers with nonunion workers, and thus destroy the union. In recent years, however, according to the junior Senator from Texas, the National Labor Relations Act has obviated this danger by protecting the rights of workers to organize and by requiring an employer to bargain with a union if it represents a majority of its employees. Therefore, according to the Senator's syllogism, the need for a union to achieve monopoly status no longer exists.

I cannot agree with this analysis. The reason why unions were exempted, for the most part, from the antitrust laws was simply that it was not deemed to be socially desirable to compel workers to compete for work for their members by offering to undercut the wages negotiated by other unions. It is for these reasons that unions were exempted in important respects from the antitrust laws. The concept that a union needed to organize the total labor supply of an area hardly entered the picture, and industrial unions have never sought at all to control labor supply.

Unions are exempted, to a degree, from the antitrust laws for somewhat the same reason that farmers' cooperatives are exempted. Congress has adopted a philosophy that it is not socially desirable these days to compel farmers to compete in selling their produce by undercutting the prices their neighbors ask, for similar reasons that it does not think that workers should be compelled to compete for jobs by wage cutting. It is not socially or economically desirable to drive farm prices down to a level that results in substandard conditions, just as it is not socially or economically desirable to drive wages down. That is why the Clayton Act, which was passed in 1914, states:

> Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help * * * nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws.

The fact that the rights of workers to organize are now to some extent protected by the National Labor Relations Act, and that employers are now required in some situations to bargain with unions, has little or nothing to do with the issue of the application of the antitrust laws to unions. That issue turns on whether we really want to compel workers to compete for work by offering their services at lower wages, or whether we have some notion that unions should act like employment agencies and compete with each other by offering the labor of their members at lower wages.

The impression that since the enactment of the National Labor Relations Act it is no longer possible for an employer to hire nonunion workers and thus destroy a union is, incidentally, quite without foundation. In some situations the act requires employers to bargain with unions, but it specifically states that an employer is not required to agree to anything, or even to make any concession. Whenever a strike results over economic issues, such as a wage increase or decrease, an employer is legally free—as free now as he was in 1840—to hire strikebreakers and undertake to break the union. Quite often employers do just that, and quite often they succeed. However, as I have said, all of this is pretty irrelevant to the issue whether the antitrust laws should apply in their totality to unions.

The junior Senator from Texas, despite some of the things he said in his speech, really concedes in part that the basic considerations which led to the partial exemption of unions from the antitrust laws are as operative today as they were 50 or 100 years ago. For in his bill the Senator does not propose either that unions be made illegal as necessarily involving restraint of trade, or that unions be required to compete with each other in selling labor. What he proposes is rather that it be made a violation of the Sherman Act for unions to engage in any of four types of practices enumerated in his bill. The junior Senator from Texas then goes on to discuss the four types of activities or cases involving unions which, he says, demonstrate the need for his bill. I would like to examine some of these situations or cases and I think that I can demonstrate that the contents and administration of the National Labor Relations Act are not as described in the speech of May 3.

The general reasons are given for bringing these four types of practices within the antitrust laws. First, that enforcement through an administrative agency involves delay and, second, that the practices in question are not now covered by the labor law, or likely to be covered by amendment of that law.

The first situation discussed as showing the need for amending the antitrust laws so as to apply to unions has to do with a union's refusal to refer workers to an employer. The particular case cited is the *Joilet Contractors* case, decided in 1953 by the U.S. Court of Appeals for the Seventh Circuit (202 F. 2d 606, 31 LRRM 2361). In that case a local union of the Painters Union in some instances refused to refer workers to construction jobs and in other instances caused them to quit work as part of a campaign against the use of preglazed sash. The court held that the Taft-Hartley Act did not apply to the union's refusals to refer workers, as distinguished from its calling of strikes by workers already on the job. It is thus correct to say that the Joilet case held that the Taft-Hartley Act did not apply to a union's refusal to refer workers to a job.

However, one thing is overlooked. That is that the Landrum-Griffin Act amended the secondary boycott provisions of the Taft-Hartley Act for the express purpose, among others, of making it applicable to a union refusal to supply labor. Since the adoption of the Landrum-Griffin Act, the National Labor Relations Board and the courts have uniformly ruled that it is an unfair labor practice for a union to refuse to refer workers in situations like that in the Joilet case. *Operating Engineers Union* (135 NLRB No. 62, 49 LRRM 1535 (1962)); *Electrical Workers Union* (131 NLRB No. 120, 48 LRRM 1172 (1961)); *Penello* v. *Local 5, Plumbers Union* (46 LRRM 2740 (July 1, 1960)).

The second situation that the junior Senator from Texas says, in his speech, demonstrates the need for applying the antitrust laws to unions, is, in his language "the refusal of the union to permit its members to handle certain types of goods." The Senator states, and that is a quotation from his speech:

> In this type of situation the union prohibits work on goods or materials which do not have a union label or have the label of another union. A concrete example was presented in the case of *Neon Products Co.* (74 NLRB 766). In that case the company manufactured neon signs for distribution and erection throughout the country. This case arose prior to the merger of the AFL and the CIO. The company bargained with a CIO union and the signs it produced carried a CIO union label. However, where sign-erecting companies had contracts with an AFL union, the latter prohibited work by its members on the erection of the signs. Although this type of situation occurs quite frequently, the NLRB held that this was not a violation of the National Labor Relations Act (108 CONGRESSIONAL RECORD 7673 (May 3, 1962)).

There is the *Neon Products, Inc.*, case reported at 74 NLRB 766. The Neon Products case was decided by the Labor Board in 1947, under the Wagner Act. The employer had a contract with the UE, a union then affiliated with the CIO, and the IBEW, a union affiliated with the AFL, asked for an election. The employer and the UE contended that an outstanding bargaining agreement barred the holding of an election, but the Board ordered an election. That is all that appears in the decision.

According to the description of this case given by the junior Senator from Texas, the NLRB held in this case that a union refusal to handle certain types of goods was not a violation of the National Labor Relations Act. That is not what the case was about. The Neon Products decision was decided in 1947 under the Wagner Act, before the Taft-Hartley Act became effective and under the Wagner Act there were no union unfair labor practices. The Wagner Act declared certain types of employer practices to be unfair labor practices, but it contained no parallel enumeration of union unfair labor practices. Under the Wagner Act employers could not file charges against unions, and the NLRB could not issue complaints against unions. The Congress heard a great deal about this asserted inequality of treatment between employers and unions during the years between 1935 and 1947. The proponents of the legislation which became the Taft-Hartley Act never ceased talking about it.

The junior Senator from Texas would of course have been quite correct if he had said that the sort of boycott he described did not violate the Wagner Act, since that act did not deal with union unfair labor practices at all. However, the sort of boycott he described is the clearest possible violation of the secondary boycott provisions of the Taft-Hartley Act. Boycotts of that sort had been explicitly illegal ever since 1947, and have been held illegal by the Board and the courts in innumerable cases. The Joliet case which I have already discussed is one of those cases. As already noted the court distinguished between a union's request to refer workers, which was not a violation of the National Labor Relations Act as it stood in 1953, though it is a violation since the Landrum-Griffin amendments, and causing workers already on the job to stop work. As to the latter the court said:

> However, if they discover the use of preglazed sash after they are on the job and then refuse to work, it is a violation because they have done so in the course of their employment.

I come now to the third type of union practice asserted as demonstrating a need for applying the antitrust laws to unions. This is what is said in this portion of the speech, and I read:

> Third. Geographical restrictions on employers.
>
> By means of this practice, a union which has effective control of the labor supply can limit the geographical area in which an employer is permitted to operate. An example of this is set forth in the 1953 hearings before the House Education and Labor Committee—volume 8 at page 2809 of the hearings. A Chicago roofing firm was ordered by the union not to operate north of 47th Street in Chicago because it would thereby compete with another employer whose employees were represented by the same union. When the employer refused to abide by this restriction, the union cut off his labor supply and also advised other contracting firms that they would be put out of business if they utilized the services of this roofing firm.

When I read this part of the speech, I, of course, supposed that the junior Senator from Texas was giving us what he regarded as another type of situation which is not covered by the Labor Act and which should, therefore, in his view, be brought within the antitrust laws.

So, Senator TOWER went back to some 1953 House committee hearings on a bill which was never reported. However, I participated in those hearings and I did not recall the situation quite in the same way it was described. I looked up in my file copies and when I examined those 1953 hearings I found that the operator of the Chicago roofing firm had testified that the National Labor Relations Act did apply to his situation and that he had gotten relief under it. He said—page 2811:

> On September 19 our attorney filed charges with the National Labor Relations Board under section 8(b)(4) of the National Labor Relations Act. A little more than a month later, on October 21, we obtained a settlement agreement in which they agreed to cease this secondary boycott activity.

We went on to testify that he had had some further trouble with the union, but that he had gotten most of his customers back and was able to continue to do roofing work "with this settlement agreement that we have"—page 2815.

There are other cases where the National Labor Relations Act has been applied against unions which were seeking to impose geographical restrictions on the operations employers. See, for example, *Lexington Electric Products Co., Inc.* (124 NLRB 1400, 45 LRRM 1029).

Thus in the first three types of situations listed by the junior Senator from Texas as demonstrating a need for amendments to the antitrust laws because the situations are not covered by the National Labor Relations Act, the Senator from Texas has not cited cases which afford the slightest support for his position.

As I noted earlier, the junior Senator from Texas, in addition to saying that the Labor Act does not cover these situations, also asserts that amendments to the antitrust laws are needed because enforcement through an administrative body, such, presumably, as the National Labor Relations Board, involves delay.

This proposition, I must confess, leaves me absolutely flabbergasted. It is true that unfair labor practices which are handled in normal course by the National Labor Relations Board are subject to the delays which normally attend administrative, and for that matter, judicial proceedings. The National Labor Relations Board advises me that at present the average time required to process an unfair labor practice case from the filing of a charge to final decision by the Board is 301 days. I am sure that the average time required for disposing of cases in the Federal district courts is much longer.

In any event, however, the National Labor Relations Act establishes a special expedited procedure, known as the mandatory injunction, for securing relief from certain categories of unfair labor practices by unions. Those categories include secondary boycotts and strikes, jurisdictional boycotts and strikes, recognition and organizational picketing, and hot cargo clauses. These are the very practices which at one stage in the development of our law were adjudicated under the antitrust laws, but which are now adjudicated under the National Labor Relations Act, though the junior Senator from Texas would like to place them under the antitrust laws once more.

I consider that these mandatory injunction provisions are grossly unfair and one sided, for the reason that they apply only against unions and that there is no parallel provision for summary relief against employer unfair labor practices, no matter what their nature. I noted earlier that back in 1947 and earlier many employers and many legislators complained that the Wagner Act was one sided because it operated only against employers. These mandatory injunction provisions are unfair for the same reason, because they operate only against unions.

However, they are in the act. Let us see how they operate.

Section 10(1) of the National Labor Relations Act provides that whenever any person files a charge, and that would normally be an employer, that anyone has engaged in an unfair labor practice of the sorts I have named, the Labor Board shall investigate the charge on a priority basis and that if the regional attorney has reasonable cause to believe that the charge is true and that a complaint should issue, he shall petition a Federal district court for appropriate injunctive relief pending the Board's adjudication of the matter on the merits. Upon the filing of such a petition the district court may grant such injunctive relief or temporary restraining order as it deems proper. A temporary restraining order may be issued even without notice to the union enjoined, though in that event it is not to be effective for more than 5 days.

Under these mandatory injunction provisions, relief is obtained very rapidly against union unfair labor practices. The office of the General Counsel at the National Labor Relations Board advises me that the average time elapsing between the filing of the charge by the employer and the issuance of a temporary injunction is 3 weeks to a month. In cases where a temporary restraining order precedes the temporary injunction, relief is obtained in an even shorter time, usually just a few days.

In a typical antitrust proceeding, the lapse of a month is just the flickering of an eyelid. I happened to read recently that the antitrust proceeding growing out of Du Pont's ownership of General Motors stock, which was disposed of the other day by a settlement agreement, was initiated by the Government in 1949. That was 13 years ago. Is that the sort of speedy relief which the junior Senator from Texas wishes to

substitute for the injunctions now obtainable at the behest of employers under the National Labor Relations Act in 3 or 4 weeks?

Let me comment on another portion of the Senator's speech, the portion in which he deplores the 1941 decision of the Supreme Court in the *Hutcheson* case (312 U.S. 219), and urges that Congress amend the antitrust laws to correct the effects of that decision. This is a familiar proposal of those who agitate in favor of applying the antitrust laws to unions. I think I can demonstrate, however, that this proposal has no more sound legal basis than various other items on the Senator's program which I have already discussed.

I said earlier that back during the first part of the 19th century, the courts held that unions were illegal per se, as conspiracies to fix the price of labor. Beginning with the famous decision of Chief Judge Shaw—*Commonwealth* v. *John Hunt* (Mass., 1842, 4 Metcalf 111)—the courts abandoned this doctrine as socially and economically destructive. Thereafter for a period of nearly 100 years, the courts used the rationale that, while unions were not per se illegal, whether particular union activities were illegal as restraints of trade was to be determined on a case-by-case appraisal of whether the union sought legitimate or illegitimate ends, and whether it employed legitimate or illegitimate ends. Under this doctrine, the courts themselves decided what ends or means were legitimate or illegitimate. Particular union activities, such as strikes or boycotts, primary or secondary, or jurisdictional strikes or boycotts, might be held legal or illegal, according to a court's social or economic predilections. As Justice Brandeis put it in his dissenting opinion in *Duplex Printing Co.* v. *Deering* (254 U.S. 443, 485):

> By virtue of that doctrine, damage resulting from conduct such as striking or withholding patronage or persuading others to do either * * * became actionable when done for the purpose which a judge considered socially or economically harmful and therefore branded as malicious and unlawful.

During this 100-year period, the Congress enacted the Sherman Act—1890, and the Clayton Act—1914. These acts had the effect of centering antitrust litigation in the Federal courts, and of bringing the U.S. Government into the picture as prosecutor, but did not, as the Supreme Court majority interpreted those statutes, basically alter the restraint-of-trade doctrine regarding legitimate means and ends as it had developed during the latter part of the 19th century.

Then in 1932 the Congress enacted the Norris-LaGuardia Act and in 1941 the Supreme Court decided the Hutcheson case.

That case grew out of a dispute between the Carpenters and the Machinists Unions as to which unions, or rather the members of which union, were to erect certain machinery being installed by the Anheuser-Busch Co. It was in other words a jurisdictional, or work assignment, dispute. The Carpenters called a strike and established a picket line, and the president of the Carpenters and various others were indicted for a criminal combination and conspiracy violation of the Sherman Act.

The Supreme Court, in an opinion by Justice Frankfurter, pointed out that since the enactment of the Norris-LaGuardia Act the activities engaged in by the Carpenters could not be enjoined, either at the suit of the Government or of the employer. And the Court concluded that the Congress had meant to charge the substantive, as well as the procedural law, and to repudiate the whole doctrine under which the courts had been ruling on whether union activities during labor disputes involved legitimate or illegitimate means or ends. The Court pointed out that there was good reason to think that Congress had meant to eliminate that doctrine by the enactment of the Clayton Act in 1914, but that the Supreme Court's interpretation of that act had stultified the intention of Congress.

Justice Stone concurred in the result in the Hutcheson case, on the ground that the antitrust laws, properly interpreted, did not apply to the union activities in question, regardless of the Norris-LaGuardia Act. Two Justices dissented.

The junior Senator from Texas says that the Congress should by legislation overturn the results of this decision.

In 1947, when the legislation which became the Taft-Hartley Act was under consideration, the Senate and the House were in agreement that the Hutcheson case should be overturned. The bill which the House passed accomplished that in two ways. It amended the National Labor Relations Act to make certain types of union activities unfair labor practices, including jurisdictional strikes or boycotts. Second, the House bill restored the application of the antitrust laws to certain types of union activities. The conference report states:

> Section 301 of the House bill contained a provision amending the Clayton Act so as to withdraw the exemption of labor organizations under the antitrust laws when such organizations engaged in combinations or conspiracies in restraining of commerce where one of the purposes or a necessary effect of the combination or conspiracy was to join or combine with any person to fix prices, allocate costs, restrict production, distribution, or competition, or impose restrictions or conditions upon the purchase, sale, or use of any product, material, machine, or equipment, or to engage in any unlawful concerted activity (as defined in sec. 12 of the National Labor Relations Act under the House bill).

The Senate bill, however, employed only the unfair labor practice approach, and rejected the antitrust approach. In the conference the Senate conferees, led by Senator Taft, prevailed. The conference report, after referring to the House proposal to bring union activities back under the antitrust laws, states:

> Since the matters dealt with in this section have to a large measure been effectuated through the use of boycotts, and since the conference agreement contains effective provisions directly dealing with boycotts themselves, this provision is omitted from the conference agreement.

That is how it came about that the Taft-Hartley Act amended the Wagner Act by adding an enumeration of union unfair labor practices, but discarded the proposal to revert to handling these issues under the antitrust laws. I agree with Senator Taft's solution as respects this basic issue, though I of course do not agree with every detail of the Taft-Hartley Act.

One of the union unfair labor practices which the Taft-Hartley Act prohibits is for a union to engage in a strike for the purpose of "forcing or requiring any employer to assign particular work to employees in a particular labor organization rather than to employees in another labor organization." That is section 8(b)(4)(D) of the National Labor Relations Act, as amended by the Taft-Hartley Act. This provision is explicitly directed to the sort of union activity involved in the Hutcheson case, and it in effect reverses the outcome of that case. As I noted earlier, this is one of the provisions of the act that is speedily and summarily enforcible by mandatory injunction.

In his speech the junior Senator from Texas quotes a statement made by Thurman Arnold in 1941 to the effect that new legislation is needed to deal with union abuses legalized by the Hutcheson decision.

The junior Senator from Texas then adds:

> Twenty years have passed since Mr. Arnold made that recommendation, but no legislation has been passed and the evil has continued to grow (CONGRESSIONAL RECORD, p. 7674, May 3, 1962).

But as pointed out above, legislation has been in effect for 15 years. There are serious problems and issues in the field of labor-management relations, and I do not by any means undertake to defend everything that every union does. Neither do I assert that the legislation already on the books is necessarily adequate to handle every problem in the field of labor-management relations with which we are confronted. As far as I am concerned, however, these problems deserve reappraisal in the light of modern legislation and not rehashing of charges which Congress has investigated and adopted legislation as a result of its hearings and investigations.

LT. COL. ANDREW DUVAL, JR.

Mr. WILEY. Mr. President, I recognize that the military has its own way in bestowing medals and recommendations for services well rendered by giving advancements, and so forth; however, occasionally Army officers stationed in various communities perform services to the public in areas far beyond their line of duty and they deserve special commendation. Such services have been rendered by an Army officer in my State and since this man is now being transferred to Germany, I wish to read into the RECORD this special commendation from the Milwaukee area, Military Chaplains' Association. This is not only a recognition for the officer who is cited but for all those other officers who serve beyond the call of duty.

COMMENDATION TO LT. COL. ANDREW DUVAL, JR.

By action of its executive committee, the Milwaukee area chapter of the Military Chaplains' Association, commends Lt. Col. Andrew Duval, Jr., commanding officer of the Wisconsin sector of the 14th U.S. Army Corps, for his great efforts in support of all projects enhancing the ideal of God and country in the Milwaukee community, specifically, and in Wisconsin communities generally.

This action of the executive committee is based upon—

1. His support of the religious program of the Armed Forces Week in the last 3 years, which program, because of his support, was one of the most effective in the country. This Armed Forces Week religious program in Milwaukee was recognized by the National Convention of the Military Chaplains' Association this year—1962. Colonel Duval was project officer for Armed Forces Week for the past 3 years.

2. His support of the highly successful Christmas party for a thousand children, dependents of the reservists and the National Guard called up for a year's active duty. This program was sponsored by the Non-Commissioned Officers' Council of the Milwaukee area and by the Milwaukee area chapter of the Military Chaplains' Association, and was held last December 16.

3. His support of the first national security seminar for pastors to ever be held in Milwaukee, last January, and produced by the staff of the Industrial Council of the Armed Forces, Washington. This was very successful in Milwaukee and was recommended as the national project of the Military Chaplains' Association in all of its chapters. Colonel Duval originated this project which was sponsored by the Milwaukee area chapter of the Milwaukee Chaplains' Association.

4. His personal suggestion that our Milwaukee chapter of the Military Chaplains' Association be organized in the first place. His tremendously constructive attitude and approach to all projects of serious, moral worth, and to projects that would enhance the religious and charitable work within the military.

Rev. MARTINUS E. SILSETH,
President, Milwaukee Area Chapter Military Chaplains' Association.

CAPTIONED FILMS FOR THE DEAF

Mr. PELL. Mr. President, as the cosponsor of S. 2511 to provide captioned films for the deaf, I am delighted with the Senate's favorable action on this measure. I know that the distinguished Senator from Maine [Mr. MUSKIE], who introduced the bill, must feel a great sense of satisfaction. I want to pay tribute to his tireless dedication toward insuring that the deaf receive adequate Federal assistance.

It was a very real pleasure and honor for me to preside over the special subcommittee which held hearings on S. 2511 and I thank my colleagues, Senators YARBOROUGH, WILLIAMS, TOWER, and MURPHY for their support. I am pleased to be able to note that it was reported unanimously by the full Labor and Public Welfare Committee. In this connection, I would particularly like to thank our chairman, Senator Hill, the senior Senator from Alabama, for all his guidance and Mr. McClure, Mr. Forsythe, and Mr. Barclay of our committee staff for all their help.

Our special subcommittee was privileged to hear testimony from a distinguished group of experts in the field of education for the deaf. We also had some moving statements by deaf people outlining, as only they can, how this bill will help them to help themselves. As Miss Joan Fontaine of West Warwick, R.I., said when testifying about the expanding program of captioned films, which S. 2511 provides for:

If we can have this, we can learn a great deal more than we already know. All we need is a chance, an opportunity.

Mr. President, I am also happy to be able to state that the program of captioned films which S. 2511 would expand to meet vital needs, is a truly nonpartisan program. The present program was made possible by the diligent work of former Senator Purtell, of Connecticut, who, in April 1957 introduced S. 1889 in the 85th Congress, which resulted in Public Law 85-905. I very much regret that Senator Purtell was unable to accept our invitation to testify.

I might also point out that S. 2511 provides for research in the most effective use of captioned films for teaching the deaf as well as for training of professional people in the most efficient use of these films. More than 500,000 of our fellow citizens would derive great benefit from the program envisioned by S. 2511 and I very much hope that the House will take prompt action on this bill. In this connection, I am heartened by the fact that my very able colleague in the House of Representatives, Congressman JOHN FOGARTY, has introduced a companion bill, H.R. 9456, and that he submitted a statement which was included in the record of our hearings.

In closing, I express my appreciation for the thoughtful remarks made by our distinguished majority leader when the bill was passed last evening.

AN ESTABLISHMENT OF RELIGION

Mr. ROBERTSON. Mr. President, as soon as I learned that the U.S. Supreme Court in the now celebrated New York prayer case of Engel against Vitale had held that a 22-word nonsectarian prayer, prepared by the joint action of Protestants, Catholics, and Jews in the State of New York and promulgated by its State board of regents for use in public schools on a voluntary basis, violated the first amendment, I said on the floor of the Senate that the Supreme Court had misconstrued that amendment.

Subsequently, in testimony before the Senate Judiciary Committee, I contended that the amendment should be construed in the manner intended by those who framed it and, to that end, I quoted Thomas Jefferson as saying in a letter to William Johnson of June 12, 1823:

The capital and leading object of the Constitution was to leave with the States all authorities which respected their own citizens only, and to transfer to the United States those which respected citizens of foreign or other States: to make us several as to ourselves, but one as to all others. In the latter case, then, constructions should lean to the general jurisdiction, if the words will bear it; and in favor of the States in the former, if possible to be so construed * * *. On every question of construction, carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed.

At that time Jefferson was complaining of the position taken by Chief Justice John Marshall that the Supreme Court had the power to nullify State laws. Jefferson claimed, and of course correctly so, that no such power was definitely granted the Supreme Court by the Constitution and that if the Supreme Court would interpret the 10th amendment in the spirit manifested by the ratifying States it would have to give the States the benefit of all possible doubts on all Federal powers not specifically delegated to the Federal Government by the Constitution. And so at the outset of the decision of the Supreme Court in the New York prayer case we have jurisdiction to invalidate a State law, concerning the use of a prayer in public schools, taken by a Federal Court purely by assumption and not through any authority delegated to it by the Constitution itself.

The next step taken by the Supreme Court in violation of the 10th amendment was in holding that the 14th amendment automatically related to the States all other amendments to the Constitution, including the Bill of Rights. That again is a pure assumption of power, because those who framed and adopted the 14th amendment, were dealing exclusively with the future protection of the civil rights of those in the Nation who but recently had emerged from slavery.

The third step taken by the Supreme Court in violation of the 10th amendment in the New York prayer case was when it deliberately distorted the meaning of the 1st amendment. Even if it be conceded that the "due process" clause of the 14th amendment automatically related the 1st amendment to State acts, the 14th amendment could certainly put nothing in the 1st amendment that was not placed there by those who framed it.

In my testimony before the Senate Judiciary Committee in connection with an effort in the U.S. Senate in 1854 to abolish the office of chaplain in the Army, Navy, and at West Point, at Indian stations, and in both Houses of Congress, I quote Representative James Meacham, of Vermont, who prepared the report of the Judiciary Committee in rejecting the proposal, as saying:

Another article supposed to be violated is article I of amendments:

"Congress shall make no law respecting an establishment of religion." Does your present practice violate that article? What is an establishment of religion? It must have a creed, defining what a man must believe; it must have rites and ordinances, which believers must observe; it must have ministers of defined qualifications, to teach the doctrines and administer the rites; it must have tests for the submissive, and penalties for the nonconformist. There never was an established religion without all these.

In view of the fact that in a concurring opinion, Mr. Justice Douglas claimed that to be consistent the Supreme Court would have to outlaw all laws relating to the employment by the Government of chaplains, it will be interesting to see whether Mr. Justice Black, who wrote the opinion of the

Court in the New York prayer case, will in the three prayer cases that will come before the Court next October, find an excuse in his footnote to the New York case for refusing to extend the application of the New York school doctrine to the use of The Lord's Prayer in Maryland and to the use of religious hymns and art in the schools of Florida.

In any event, when the Supreme Court acts next October it will not be able to claim ignorance of the law if at that time it continues to misconstrue the meaning of the words "establishment of religion" as used by the First Congress that framed the first 10 amendments, commonly called our Bill of Rights.

No one can successfully challenge the history of the first amendment as recently presented to the Senate Judiciary Committee by the distinguished Bishop Pike of California or his conclusion that, as used in the first amendment, the words "establishment of religion" clearly referred to the establishment of a religious sect or a religious organization commonly referred to as a church.

Since that time, Mr. Stewart Robb of Jersey City, N.J., has written an article on the New York prayer case in which he establishes beyond a shadow of a doubt that the Supreme Court in the New York case misinterpreted the meaning of the first amendment. Incidentally, Mr. Robb is a Canadian scholar and writer with degress from Manitoba University and Oxford and his books have been published in this country by Dutton, Scribner & Doubleday.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article by Mr. Stewart Robb, entitled "An Establishment of Religion."

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

AN ESTABLISHMENT OF RELIGION

(By Stewart Robb)

PART 1. WHAT IT MEANT AT THE TIME OF ITS ADOPTION

After all, an amendment to the Constitution should be read in a sense most obvious to the common understanding at the time of its adoption.—Justice Felix Frankfurter.

Had the Thirteen States thought the clause in the first amendment "respecting an establishment of religion" might be used as a weapon against school prayers they would not have ratified the Constitution.

The true meaning of the amendment was much on their minds. Its wording was specific. It did not apply to school prayers, which were approved of even by that extraordinary man who did more than anyone else to bring about the complete separation of church and state.

Yet Justice Black, in his statement of the majority decision of the U.S. Supreme Court against the Long Island school prayer, writes:

"The establishment clause, unlike the free exercise clause, does not depend upon any showing of direct governmental compulsion and is violated by the enactment of laws which establish an official religion, whether those laws operate directly to coerce nonobserving individuals or not."

Forsooth, to establish an official religion is now to have children recite a nondenominational school prayer, such as the following:

"Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country."

To apply the "establishment of religion" clause to such a prayer, or to any prayer, will be proved to be a gross misreading of the intentions of the men of the Constitution. To demonstrate the Supreme Court error it is only necessary to intelligently follow the advice of Learned Hand who, speaking of the Constitution and the Bill of Rights, said: "Their meaning is to be gathered from the words they contain read in the historical setting in which they were uttered." At one time Frankfurter would have agreed.

So let us read the meaning of "an establishment of religion" in the historical setting in which the pregnant words were uttered. The temper of those times will help us by throwing light as well as heat upon the first amendment.

Among those whose fathers and forefathers had packed up and come to the free land there was the greatest concern that in this new nation which had no established national church there should never sometime be one. Hence, in the speeches, documents, letters, and daily talk of the founders of American freedom there is an ever-so-frequent mention made of the words "establishment," "church establishment," "religious establishment," "establishmentarian," "establishmentarianism," "disestablishment," "disestablishmentarian," and "disestablishmentarianism." The root word was, of course, "establishment."

A university, for instance, was an establishment. So was a charitable institution. So was a church. But bear in mind that the most frequent use of establishment was this last: a church, or an established church.

Let us take as our first of many exhibits this quotation from Jefferson:

"But every State, says an inquisitor, has established some religion. No two, say I, have established the same. * * * Our sister States of Pennsylvania and New York, however, have long subsisted without any establishment at all. * * * They flourish infinitely. Religion is well supported; of various kinds, indeed, but all good enough."

Here Jefferson is arguing that the Nation does not need "an establishment of religion" because certain American States have done well without any "establishment" at all.

Philip Alexander Bruce, speaking of the great disestablishmentarian in his "History of the University of Virginia," says:

"Jefferson was fully resolved to tear up the Episcopal establishment of Virginia root and branch, whenever the hour seemed opportune to do so."

The same historian informs us that an anonymous signer who had subscribed for the endowment of Hampden-Sidney College, a Presbyterian institution, decided to withdraw his contribution until that institution had been put under masters who belonged to the established church. He said, in his letter:

"If this school is thus encouraged, we may reasonably expect in a few years, to see our Senate House as well as our pulpits filled with dissenters, thus they may, by an easy transition, secure the establishment in their favor."

Establishmentarian Patrick Henry delivered a speech in favor of religious assessments, to which disestablishmentarian James Madison replied that the true question was not, "Is religion necessary?" but "Are religious establishments necessary for religions?" He answered his own question, "No, for religion is corrupted when established by law. The 'downfall of states' mentioned by Mr. Henry happened when there was establishment." That is, when there was a national religion.

Madison was alertly aware that Patrick Henry was confounding, possibly deliberately, religion and religious establishments, just as the 1962 Supreme Court was, but in the opposite direction. Patrick Henry wanted a religion in; the Supreme Court wants religion out.

In his Virginia Convention, 1788, the disestablishmentarian wrote:

"Fortunately for this Commonwealth the majority of the people are definitely against any exclusive establishment."

That is, they were against a monopolizing state church.

And in a letter to Monroe, Madison uses establishment in the same sense, speaking of "The Presbyterians who seem as ready to set up an establishment which is to take them in as they were to pull down that which shut them out."

Again, in a letter to Robert Walsh, dated March 2, 1819, the meaning of establishment is the same:

"It was the universal opinion in the century preceding the last, that civil government could not stand without the prop of a religious establishment."

Establishments were very much on his mind. In a letter under date of July 10, 1822, Madison wrote to his friend Edward Livingstone:

"It was the belief of all sects at one time that the establishment of religion by law, was right and necessary; that the true religion ought to be established in exclusion of every other; and that the only question to be decided was what was the true religion. The example of Holland proved that a toleration of sects dissenting from the established sect, was safe and even useful. The example of the Colonies, now States, which rejected religious establishments altogether, proves that all sects might be safely and advantageously put on a footing of equal and entire freedom."

In another letter he spoke of "the Indian establishment at Paraguay by the Jesuits." Notice that the word is always associated with a particular religious belief, as it is in the following letter to Frances Wright, 1825:

"The example of the Moravians, the Harmonians, and the Shakers * * * have no doubt an imposing character. But it must be recollected that in all these establishments there is a religious impulse in the members."

Establishments appear again the same year in a letter to Thomas Ritchie:

"Waiving the rights of conscience, not included in the surrender implied by the social state, and more or less invaded by all religious establishments."

In 1832 establishments are still very much on Madison's mind, and of course, always with the same meaning. He writes to the Reverend Adams:

"In most of the governments of the Old World, the legal establishment of a particular religion without or with very little toleration of others makes a part of the political and civil organization.

"Until Holland ventured on the experiment of combining a liberal toleration with the establishment of a particular creed it was taken for granted, that an exclusive and intolerant establishment was essential. * * * The prevailing opinion in Europe, England not excepted, has been that religion could not be preserved without the support of government nor government be supported without an established religion. * * * It remained for North America to bring the great and interesting subject to a fair, and finally to a decisive test."

Historians also give the term "establishment" a meaning unlike that of the Supreme Court when applying it to a prayer. W. Gordon McCabe, in his "Virginia Schools Before and After the Revolution," writes concerning the State church of Virginia:

"The cold and worldly spirit which pervaded the Church of England at the time in the mother country, was only too faithfully reflected in the Colonial Establishment."

Of Samuel Davies, the virtual founder of the Presbyterian Church in Virginia, he informs us that he was "liberal in his feelings toward the establishment."

The historian does not here mean that Davies was liberal in his feelings toward school prayers but toward the established Episcopal Church.

Again, he writes:

"One of the clergy, Rev. Archibald McRoberts * * * in 1776 left the establishment and embraced Presbyterianism."

The same historian, McCabe, says the Presbyterian dissenters were "revolting from the worldly preaching and practices of the establishment."

Turning now to documents that the new States forged to their needs we find establishment passages that lead directly into the forthcoming first amendment, and that doubtless even helped to fix its phraseology. For instance, an amendment proposed to the Maryland Convention reads in part:

"12. That there be no national religion established by law."

While the Constitution of North Carolina, adopted in 1776, provided that—

"There shall be no establishment of any one religion, church, or denomination in the State in preference to any other."

Looking back, we can see that the first amendment was on its way. It was a specifically and stylistically worded outgrowth of what was weighing on the minds of the shapers of the new nation.

PART 2. WHAT IT MEANT TO MADISON

We now know the meaning of the "establishment of religion" clause as seen in the context of the times, when the expression was in its heyday. But let us study it still more, this time by looking through the window of the mind of the first amendment's first and final framer, James Madison.

His first penning of the amendment read:

"The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established."

Note that, "national religion." This wording Madison presented to the committee of 11 on July 21, 1789. It came back to him shortened to—

"No religion shall be established by law, nor shall the equal rights of conscience be infringed."

At this point let "The Annals of Congress," written as the events took place, pick up the story of the amendment:

"Mr. Sylvester had some doubts of the propriety of the mode of expression used in the paragraph. He apprehended that it was liable to a construction different from what had been made by the committee. He feared it might be thought to have a tendency to abolish religion altogether."

Such a construction might have been satisfactory to the Supreme Court of 1962, but it proved less than so to the committee, which had no intention of wording the amendment in a way that might make it harmful to religion.

"Mr. Gerry said it would read better if it was, that no religious doctrine shall be established by law.

"Mr. Sherman thought that amendment altogether unnecessary, inasmuch as Congress had no authority whatever delegated to them to make religious establishments; he would, therefore, move to have it struck out."

Observe that even while the amendment read thus unsatisfactorily no one would have applied it to the making or breaking of a school prayer. Law was still considered to be Congress, even before the wording made it so.

"Mr. Madison said, he apprehended the meaning of the words to be, that Congress should not establish a religion, and enforce the legal observation of it by law, nor compel men to worship God in any manner contrary to their conscience. Whether the words are necessary or not, he did not mean to say, but they had been required by some of the State conventions, who seemed to entertain an opinion that under the clause of the Constitution, which gave power to Congress to make all laws necessary and proper to carry into execution the Constitution, and the laws made under it, enabled them to make laws of such a nature as might infringe the rights of conscience, and establish a national religion; to prevent these effects he presumed the amendment was intended, and he thought it as well expressed as the nature of the language would permit."

It is clear that Madison was concerned that a national religion might be set up by Congress. The danger lay in what Congress might do in this direction.

"Mr. Huntington said that he feared, with the gentleman first up on this subject, that the words might be taken in such latitude as to be extremely hurtful to the cause of religion. He understood the amendment to mean what had been expressed by the gentleman from Virginia, but others might find it convenient to put another construction upon it. The ministers of the congregations to the eastward were maintained by the contributions of those who belonged to their society; the expense of building meetinghouses was contributed in the same manner. These things were regulated by bylaws. If an action was brought before a Federal court on any of these cases, the person who had neglected to perform his engagements could not be compelled to do it; for a support of ministers or building of places of worship might be construed into a religious establishment.

"By the charter of Rhode Island, no religion could be established by law; he could give a history of the effects of such a regulation; indeed the people were now enjoying the blessed fruits of it. He hoped, therefore, the amendment would be made in such a way as to secure the rights of conscience, and a free exercise of the rights of religion, but not to patronize those who professed no religion at all."

The danger that might come from a misuse of the amendment is still felt to run within the groove of the accepted definition of religious establishment, a particular church One of these might suffer, is the fear of Mr. Huntington.

"Mr. Madison thought, if the word 'national' was inserted before religion it would satisfy the minds of honorable gentlemen. He believed that the people feared one sect might obtain a preeminence or two combine together and establish a religion to which they would compel others to conform. He thought that if the word 'national' was introduced it would point the amendment directly to the object it was intended to prevent."

Here we see that Madison wanted to get part of the original wording back into the amendment: "national religion." He did not succeed. Mr. Gerry, the main mover against inclusion of "national" reasoned cogently that if this word were retained the phrasing would alienate the antifederalists, who would suspect in it a wish to weld the States into a nation.

After considerable debate the first amendment was given the wording it now has:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

This was considered satisfactory. The amendment simply made it illegal for Congress to make a law respecting an establishment of religion, that is—as everyone knew at that time—a particular church. With such a safeguard how could a national church be established?

So there is an enormous wealth of evidence that when the Supreme Court prayer-ban supporter argues that he is upholding the principle of separation between church and state he is not talking to the point. By such separation, Jefferson, Madison and their fellow nation-makers meant church not as religious principles or religion in general but denominational and state religion. To repeat Madison's words:

"If the word 'national' was introduced it would point the amendment directly to the object it was intended to prevent."

The object directly pointed at, then, was a national church, not a nondenominational school prayer which no one really fears.

The Supreme Court of 1962 has, however, pointed the amendment directly to an object it was not intended to prevent.

SANCTUARY FOR THE AMERICAN EAGLE

Mr. SCOTT. Mr. President, the city of Pittsburgh and the Commonwealth of Pennsylvania was honored to have His Eminence Francis Cardinal Spellman visit the International Convention of the Fraternal Order of Eagles, Thursday, August 2. We would like to share his excellent address with Members of Congress.

Noting that Cardinal Spellman speaks of the characteristics of the eagle in commenting upon it as the symbol for this great fraternal organization prompts me to call attention to the location in Pennsylvania of the world's only sanctuary for any eagle. The sanctuary, under the supervision of the National Audubon Society, is Johnson Island in the Susquehanna River, 8 miles above Conowingo.

It is inhabited by nesting bald eagles, the bird also represented in our national emblem.

It is a matter of the deepest concern that the sanctuary is now threatened by plans to erect a nuclear powerplant at Peach Bottom with a new high voltage line tower to be constructed on Johnson Island.

Efforts by the Fraternal Order of Eagles, Senator J. GLENN BEALL, and all others interested in preserving this unique sanctuary for the American Eagle are most commendable and deserve the cooperation and support of everyone who is interested in conservation.

I ask unanimous consent to have the address printed in the RECORD.

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

ADDRESS OF HIS EMINENCE FRANCIS CARDINAL SPELLMAN AT THE 64TH ANNUAL INTERNATIONAL CONVENTION OF THE FRATERNAL ORDER OF EAGLES, THURSDAY, AUGUST 2, HOTEL HILTON, PITTSBURGH

My mind is still filled with vivid recollections of the friendly reception accorded me in Toronto 3 years ago when it was my privilege to address the International Order of the Eagles. I was, therefore, delighted to accept your welcome invitation to attend your convention here in Pittsburgh and to speak again to your distinguished membership.

I read and hear with interest and with admiration of the great philanthropic work that your fraternal organization continues to accomplish. Surely the eagle is a most fitting symbol for your fraternity, for like the eagle, you soar high in social pioneering; you protect rights for all classes, regardless of creed; and you are farsighted in sponsoring projects of medical research. On behalf

of Dr. John Madden, director of the Cardiac Research Center at St. Clare's Hospital in New York City, I wholeheartedly thank you for your latest grants to help in the important field of heart research.

An occasion such as this is a moving proof of your deep interest in all people and their needs. In your own campaign for social security legislation—in your desire to obtain Federal funds to assist the aging, you never considered placing un-American restrictions on the distribution of this public money. Indeed, every aspect of your many faceted activities is devoted to spreading and strengthening moral and religious principles common among all who believe in God.

The story of your many contributions to our beloved country never once reveals any desire to judge men by a standard other than their need of your help. For this reason I am encouraged to speak to you this evening about the two-pronged attack on the American way of life as you and I have come to know and love it—and as your fathers and mothers, your sons and daughters and you yourselves have lived and fought and multitudes have died for it. I refer to the movement to take God out of the public school and to force the child out of the private school.

You may already know of my deep concern over the recent Supreme Court decision banning the regent's prayer in the public schools of New York State. As you know, that prayer is a simple, short, nondenominational and voluntary acknowledgment of dependence upon God and a request for His blessing. I fully appreciate the high responsibility of the Court to guard our Constitution and the delicacy of its task. Moreover, I respect the integrity and the dedication of the men who are charged with this solemn commission. But I am convinced that in this case six Justices rendered a decision which will be harmful to America. As an American who loves his country more than his life, I feel that I have a responsibility to express my concern publicly.

The first amendment states that "Congress shall make no law respecting an establishment of religion." One of the foundation stones of our American political system, this *amendment* provides that the Government shall not throw the mantle of its preference over any particular church.

Our Founding Fathers knew of the bitter experiences in Europe with established and state-supported churches, where in some lands preferment was given those who belonged to a special church, and persecution was the lot of those who did not affiliate. Their solution to the troublesome church-state problem was to separate the two, to make them independent of each other, and thereby to assure equal rights to all citizens irrespective of their religious convictions.

This was their simple and clear objective when they wrote the first amendment. Few in America disagree with that purpose. Certainly no Catholic disagrees with it, for we are well satisfied with such separation of church and state as exists in our country. Almost half a century ago Cardinal Gibbons expressed the American Catholic position clearly when he stated: "No establishment of religion is being dreamed of here by anyone; but were it to be attempted, it would meet with united opposition from the Catholic people, priests and prelates." And Archbishop Vagnozzi, the representative of Pope John XXIII in the United States, recently expressed a similar opinion: "Whether they remain a minority or become a majority, I am sure that American Catholics will not jeopardize their cherished religious freedom in exchange for a privileged position."

Catholics do not want their church, or any other church, to be state supported in the United States. They are of one mind with the men who were the architects of our Republic.

By the first amendment, however, the Founding Fathers of our country never intended to purge public life in America of all religion. They never intended to establish irreligion. Their declaration of dependence upon God anteceded their Declaration of Independence from England. They were themselves religious men, whose faith in God and dependence upon Him permeated both their private and their public lives. They did not hesitate to mention Him in their public utterance, to open their deliberations with prayer to Him, to set up chaplaincies, and to ask the President to call a day of prayer and thanksgiving to God. On religious values they built this Nation and on these values it has ever stood firm.

But now there is abroad in our land a new spirit which seeks to change this religious tradition of America, to place a nontraditional interpretation on the Constitution, to remove religion entirely from the public domain, and to commit our Government to the side of irreligion. This is the establishment of a new religion of secularism. This should be ruled unconstitutional.

Followers of this new secularistic approach have seized upon an expression that Thomas Jefferson used years after the first amendment was written, and have made it their battle cry. Jefferson spoke of a "wall of separation" between church and state. For him this wall was a dividing line, a fence, if you will, between friendly neighbors. The secularists have breathed into his metaphor a new and sinister meaning which he never intended. Jefferson spoke of a wall, but they have made it a rampart between church and state as though they were hostile elements in our country, instead of friendly partners claiming, each in its proper sphere, the allegiance of men's hearts.

I went to a public elementary school and to a public high school in Massachusetts, and during those 13 years all my teachers but two were Protestant and from them I learned a reverence for God and religion. I am sure that you learned the same lessons. Now we are being told that education must have nothing to do with God. Now we are being told that the U.S. Government must have nothing to do with God. Now we are being told that if a group of children stand in their classroom to acknowledge voluntarily and in 22 simple words their faith in God, they are violating the Constitution and breaking the law of this land. This decision disregards the traditional rights of the overwhelming majority of parents and children. Firmly do I believe with Justice Stewart that "to deny the wish of these schoolchildren to join in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our Nation."

Little by little the old America disappears from us—a country whose religious tradition and faith in God were her granite-like supports and the firm pledge of her strong endurance. As President Kennedy stated in his inaugural address, "Our forefathers fought for the belief that the rights of man come not from the generosity of the State but from the hand of God." Yet, at every opportunity, the secularists proclaim religion and the state as hostile forces in our country, instead of friendly partners, each in its own way, serving man.

Theirs is a crusade, not for freedom of religion, but for freedom from religion. Their goal is to strip America of all her religious traditions. A classic example of their technique is the controversy over Federal aid to education. They have so purposefully obscured and confused the question that millions of God-fearing Americans have been led to believe that there can be no peaceful cooperation between God and our country.

A year and a half ago, the proposal was made to use Federal funds to enable the schools of our country to improve their standard of excellence. At once the administration assumed the position that children in nonpublic schools could not be helped, and there are nearly 6½ million children in nonpublic elementary and high schools throughout the United States. The administration contended that these youngsters must not benefit from any Federal program of educational assistance. And why? Because in most cases their education was God centered; it is religious.

As education, it equals that given in public schools. Certificates of transfer from private to public schools are honored without question. These students learn to read and write and they learn geography and mathematics and languages and science and American history and they love their country as well as their friends in public school. They are preparing for the same responsible citizenship. And, side by side, with their public school neighbors, they will later take their places as the workers, teachers, technicians, scientists—and the fathers and mothers of the next generation.

If our country is attacked, they will fight for it; they will die for it, as so many of them have done before. In addition, they pay their taxes to the Government. But some argue that not one penny of Federal funds may be used to improve the excellence of their education because in their schools, in addition to their regular subjects, they are permitted to learn about God.

This is injustice. This is discrimination. This is an economic penalty against the schools performing a public service for our country parallel to that of the public schools. These parents are penalized for exercising their constitutionally protected right to send their children to the school of their choice—a right which even the Supreme Court has upheld.

When Catholics protested this evident injustice, the forces of secularism took the position that they would prefer to see the Federal aid program die than have it benefit the children in God-centered schools. Why are they so eager to gain Federal funds for one school system alone? If, with a firm and even hand, taxes are applied across the board without regard for race, creed, and color, it would seem reasonable to suppose that the money thus collected would be distributed across the board with an equally firm and even hand. When we speak of Government money, let us remember that the Government does not create money. Taxes for education are also collected from the parents of these children. If no part of these taxes is returned in any form to aid the nonreligious aspects of their children's education, how can this be just?

Is not this taxation with participation? And eventually and inevitably will it not strangle the splendid independent school systems which so many God-fearing parents of all religions have, with so many sacrifices, established and maintained?

Catholics, as a group, are not opposed to Federal aid to education. Most take the position that it is for the Congress to decide whether the schools of our country really need Federal funds. They simply say that if legislation is enacted, it should apply to all children on a nondiscriminating basis. Furthermore, many Americans fear the creation of a monopoly in our educational system. They cherish the survival of their God-centered schools, and they realize that such control by the Government can easily lead to iron-curtain education. Indeed, the more variety in our educational systems, the richer will be our culture. My prayerful hope is that other independent schools will flourish in our beloved land. For, as these independent schools grow, our free society

will become stronger through this diversity of education. The recent unfortunate decision of the Supreme Court, therefore, may well become a blessing in disguise, if it alerts us to the dangers of a uniformity which would blind our children to the world of the spirit.

I am gratefully encouraged that since the current controversy on Federal aid began, frank discussions have cleared the air and clarified the issues. Leading authorities on constitutional law state that aid given to the nonreligious aspects of the education of children in God-centered schools is certainly not unconstitutional.

Moreover, on last June 25, Mr. Abraham Ribicoff, the Secretary for Health, Education, and Welfare, declared that there is a wide range of entirely permissible financial assistance to private schools. I applaud this judgment, and I rejoice in the greater understanding that has more recently been brought to this controversy.

I have chosen this subject for my address to you this evening with the desire to clarify further these issues, and also to encourage you to help your neighbors understand why we must not take God out of the public school and force the child out of the private school. As members of the Fraternal Order of Eagles, you have pioneered social legislation; you have safeguarded the rights of all individuals; you have been farsighted in maintaining the traditions of America. Our children are America's hope, and the education of every last one of them is tremendously important to us all. Liberty, truth, justice, equality—these you have emblazoned on your eagle coat of arms.

In pleading for our children, I know that I speak to an understanding audience, for the work you have done for the betterment of youth is well known. In arguing for the godly traditions of America, I feel the same confidence, for your motto—no dead letter, but one by which you live—is: "Freedom under God's law in our world." It is a motto which, if lived, will protect and preserve our beloved country.

UNESCO ANTIDISCRIMINATION PROGRAMS

Mr. McGEE. Mr. President, it has been a part of the history of UNESCO to be the victim of heated and emotional attacks from the rightwing know-nothing segment of our society. These attacks, based on fear and suspicion rather than on even a shred of truth, have now been directed against the UNESCO convention and recommendation against discrimination in education.

It is hard to understand, Mr. President, how one could be for discrimination in education because of race, creed, or sex but apparently there are those who feel this way because pressure has been put upon school boards in southern California to pass resolutions against the UNESCO antidiscrimination programs.

The issues at stake here are clearly set forth in the "Dixon Line," a newspaper column by Dixon Gayer in the Garden Grove News. I ask unanimous consent that this article be printed in the RECORD to be followed by copies of the UNESCO convention and recommendation against discrimination in education.

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

A VOTE FOR DISCRIMINATION

(By Dixon Gayer)

Last week the Lowell Joint School District in La Habra was asked to adopt a resolution opposing the UNESCO convention against discrimination in education. The La Habra City School Board is due to consider the same request for the second time this week.

The request has been brought before the Garden Grove Elementary School District, where it is awaiting its second hearing—due to come before the board again within a month.

Other school districts which have been asked to lash out against the Convention and Recommendation Against Discrimination in Education are Los Alamitos, Orange, Santa Ana, Fullerton, Anaheim, Tustin, Laguna Beach, etc., etc.

The continued harassing of local school boards to deal with this matter is deplorable in view of the facts. That school boards should be asked to go on record favoring discrimination in education—which is, in essence, what such a resolution would suggest—is incredible.

The fact that some boards actually have acceded to the demands of the isolationists who have steamrollered this campaign is beyond belief—but it is true.

What are the facts to be considered in this matter?

The Convention Against Discrimination in Education, approved at the 11th General Conference in September of 1960, was drawn up at the request of member nations which have found it difficult to achieve equality of education in their countries because of many different socioeconomic-religious reasons.

The convention, which applies only to those member states which wish to become a party to it, insures these things:

1. It prohibits discrimination by means of exclusion, distinction, limitation, or preference of schooling for reasons of sex (male versus female), race, color, language, religion, political or other opinion, national or social origin, economic condition, or birth.

2. It recognizes separate but equal facilities for pupils of the two sexes, or those with religious and linguistic differences in countries where this might be desirable. (Remember in some countries, men and women could not study in the same facilities, for instance.)

3. It recognizes the right of minority groups to have private schools, but insists that private education be equal in quality to that of public education.

4. It makes primary education free and compulsory, secondary education generally available and accessible to all, and higher education equally accessible on the basis of individual capacity.

5. It insures equivalent standards of education and would insure the provision of teacher training without discrimination.

6. It asks that education be based upon concepts of the full development of the human personality and strengthening respect for human rights and fundamental freedom; it promotes understanding, tolerance, and friendship among all nations, racial and religious groups, and it shall promote peace. (Oooops.)

7. It recognizes the first rights of parents and legal guardians to choose institutions other than public schools if they so desire—provided these conform to minimum standards of education.

8. Standards of education are determined by the competent authorities in each member state, and the International Court of Justice shall enter the picture only in the event of a dispute on interpretation between two or more states (countries) which are party to the convention.

9. Religious and moral education of the children must be in conformity with their own convictions, and no child shall be compelled to receive religious instruction inconsistent with his convictions.

It is difficult, since our Founding Fathers conceived the above ideas almost two centuries ago, for this Nation to know what part of the convention school boards are being asked to oppose.

But it is not really necessary to consider this question at length, for the greatest inconsistency of all from those who demand that the U.S. Congress deny ratification of the convention is this:

Because the convention contains no provision for Federal-State education systems, the United States cannot be a party to the convention, since ours is a local form of education.

UNESCO has flatly stated that the convention is not to come up before the U.S. Congress—and the State Department has announced that it has not placed the convention before the U.S. Government and does not intend to do so.

I am in possession of statements from Senator Carl Hayden, of Arizona; Brooks Hays, Assistant Secretary of State; Senator Thomas Kuchel, of California; State Senator John Murdy; and Senator Clair Engel, of California—all saying that the convention is not coming before the Senate for ratification.

Why, then, should local school boards, charged with running the schools in their district, be burdened with a consideration which is not a consideration? Why should they waste time on a nonexistent Senate action?

What about the UNESCO recommendation against discrimination in education, then? Unlike the convention, the recommendation does have the endorsement of the United States. It is exactly what the name says—a recommendation—and it doesn't require ratification by the Senate. It will not come before the Senate for ratification or any other action.

The recommendation includes all of the major points listed above in the convention, but because it is only a recommendation it cannot possibly have any binding effect upon anyone. It leaves individual countries free to determine what suggestions, if any, they may wish to support.

In the United States such decisions (to adopt any or all of the recommendations), rest with the local school boards. It might, in fact be more appropriate to ask local school boards to read and vote upon the acceptance or rejection of the different points of the recommendation than it is to ask them to advise Congress of their overall rejection of the convention.

We would be interested in which points they might wish to reject. (And we rather suspect that there would be none.)

One wonder at the motives of those who have pressed so hard to urge school boards to oppose the convention and recommendation against discrimination in education.

Are they, then, for discrimination in education?

Or are these people simply isolationists who oppose our participation in the United Nations and are using this as a means of downgrading the U.N. in the eyes of the uninformed public?

In Laguna Beach, late in June, the school board met the typical "concerned parents" demand for action on the UNESCO Convention with a flat refusal to take any action at all.

In a simple statement the board said that "It is the belief of the board of education that a local school board is elected to operate the schools of its district and should confine itself to that responsibility.

"It is our policy as a board not to support or oppose any issue which is or might become political or partisan and beyond our legal prerogatives. This is such an issue.

"As individuals, we may and should support or oppose any issue which concerns us on the local, State, national or worldwide scene.

"As a board we should remain dedicated to the task of providing the best schools in the Nation for our children."

This, we believe, is the only answer to the "concerned parents" who would involve local school boards in "one-world" controversy. If this kind of petty politicking is permitted to continue in school board meetings, it will do more to destroy local control of the schools than anything UNESCO can contrive in 5 years of trying.

THE UNESCO CONVENTION AND THE UNESCO RECOMMENDATION AGAINST DISCRIMINATION IN EDUCATION

(By J. Boyer Jarvis)

During recent months the U.S. Commissioner of Education, other Government officials, and some Members of Congress have received a number of letters which reveal an unfortunate public misunderstanding of the nature and purpose of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Some of these letters even express concern lest the United States permit UNESCO to exercise jurisdiction over American education. This concern is occasioned by a definite misconception of the status and purpose of the UNESCO convention and the UNESCO recommendation against discrimination in education.

The following statement seeks to correct such misunderstanding. It also provides a concise report concerning the convention and the recommendation.

UNESCO, as one of the specialized agencies of the United Nations, is dedicated to enhancing the possibility of peace among nations by seeking constantly to extend the range of international understanding and to bring the benefits of modern science and technology to more and more of the world's population. Through its support of important research and development projects, involving participation by scientists, scholars, and educators from many countries, UNESCO is helping to enlarge man's store of knowledge and to make it more readily accessible wherever it can contribute to the advancement of human welfare. UNESCO makes its resources available, on request, to countries which desire assistance in developing, expanding, and strengthening their educational systems. Recognizing and respecting the independence and autonomy of its more than 100 member states, UNESCO is interested in insuring that in the new and developing nations of the world the opportunities for education, at all levels, will be equal to the needs of peoples who are striving, sometimes against great odds, to overcome the handicaps of centuries of poverty, disease, and ignorance.

UNESCO is clearly prohibited from interfering in the educational policies, or in any other domestic concerns, of its member states. This restriction is written without equivocation into the UNESCO constitution (art. I, par. 3):

"With a view to preserving the independence, integrity and fruitful diversity of the cultures and educational systems of the states members of this organization, the organization is prohibited from intervening in matters which are essentially within their domestic jurisdiction."

In keeping with its broad purposes and in full harmony with the above restriction, the UNESCO General Conference, consisting of representatives from all UNESCO member states, adopted in 1960 a convention and a recommendation against discrimination in education. The decision to draft these documents was made by the UNESCO General Conference in 1958, following studies dating back to 1955 and carried on by a special U.N. Subcommission and by members of the UNESCO staff. Both in these earlier studies and in the actual work of drafting the convention and the recommendation, official representatives of the Government of the United States played a prominent role. At each stage in this rather long process, they received guidance from officials in the Department of State. In addition, they consulted with officials of the Department of Health, Education, and Welfare, the Department of Justice, the Department of the Interior, the Department of Labor, and other Government agencies having an interest in the general problem of discrimination.

At a very early point in the development of the convention and the recommendation against discrimination in education, the United States announced that it did not intend to ratify the convention. That decision was reaffirmed in a letter written by Assistant Secretary of State Brooks Hays to Senator CARL HAYDEN on July 29, 1961. The letter was entered in the daily CONGRESSIONAL RECORD for August 3, 1961 (pp. A6013 and A6014).

This position was taken in recognition of the fact that in the United States the administration of education is a legal responsibility of State and local agencies. Nevertheless, the representatives of the United States made positive and very helpful contributions to the drafting of both the convention and the recommendation. Working with representatives from 40 other countries, they exercise great care to insure that the principles and provisions in the final texts of the two instruments would not be in conflict with the policies and purposes of the United States.

The distinction between the UNESCO Convention Against Discrimination in Education and the UNESCO recommendation against discrimination in education needs to be emphasized. While the two documents are alike in their basic content and in their purpose to encourage elimination of discrimination based on considerations of race, sex, religion, national or social origin, or economic condition, they differ in one very significant respect. The convention is subject to ratification by member countries of UNESCO, and when ratified it has the status of an international treaty among the ratifying countries. Thus far only five nations—the Central African Republic, France, Israel, the United Arab Republic, and the United Kingdom—have ratified this convention.

The recommendation is simply a carefully written statement of ideals and principles which merit serious consideration by the member states of UNESCO. For the United States, as well as for other nations, it can serve as a basis for comparing our actual achievements with our generally accepted principles of equal educational opportunity for all. The recommendaton clearly recognizes that education is the responsibility of each individual country. An objective examination of this document will show that its purposes are entirely compatible with the traditional administrative pattern of public and private education in the United States, where operation and control of public schools rest firmly in the hands of State and local authorities and operation and control of private schools resides with their sponsors.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 154 Leg.]

Aiken	Byrd, Va.	Chavez
Allott	Byrd, W. Va.	Church
Bartlett	Cannon	Clark
Beall	Capehart	Cotton
Bible	Carlson	Curtis
Bush	Case	Dirksen
Douglas	Jordan, Idaho	Pell
Eastland	Keating	Prouty
Ellender	Kefauver	Proxmire
Engle	Kuchel	Randolph
Ervin	Lausche	Robertson
Fong	Long, Hawaii	Russell
Fulbright	Long, La.	Saltonstall
Gore	Magnuson	Smathers
Gruening	Mansfield	Sparkman
Hartke	McCarthy	Stennis
Hickey	McClellan	Symington
Hill	McGee	Talmadge
Holland	Metcalf	Thurmond
Hruska	Monroney	Wiley
Humphrey	Moss	Williams, Del.
Jackson	Mundt	Yarborough
Johnston	Neuberger	Young, N. Dak.
Jordan, N.C.	Pearson	Young, Ohio

The PRESIDING OFFICER (Mr. METCALF in the chair.) A quorum is present.

COMMERCIAL COMMUNICATIONS SATELLITE SYSTEM

The Senate resumed the consideration of the bill (H.R. 11040) to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes.

Mr. MANSFIELD. Mr. President, when the Senate commenced its session this noon, I made the following statement.

If legislative paralysis once again besets us—

Let me say parenthetically, Mr. President, that as yet legislative paralysis has not beset us—

a motion for cloture may be in order. To choose that course, if it comes to that, will be the responsibility of the Senate but the leadership shall not be hesitant in recommending it to the Senate. In such an event the issue will be simply: Are two-thirds of the Senators present and voting determined that a decision shall be made, one way or the other?

Mr. President, my purpose in calling this matter to the attention of the Senate is to notify the Senate that, beginning tomorrow morning or any day thereafter, if the leadership feels that it is in the best interests of the legislative processes of the Senate to lay down a petition for cloture, it will do so. This is just a notification of what may happen either tomorrow morning or any morning thereafter.

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

Mr. MANSFIELD. I yield.

Mr. MUNDT. Did the majority leader say that legislative paralysis has not yet set in?

Mr. MANSFIELD. Yes, not yet.

Mr. MUNDT. Would the majority leader agree that the patient is beginning to show some of the symptoms of the disease?

Mr. MANSFIELD. Which patient?

Mr. MUNDT. The patient Senators.

Mr. MANSFIELD. Some, yes. [Laughter.]

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

Mr. MANSFIELD. I yield.

Mr. AIKEN. While we are talking about things that have set in, let me ask whether mortification has set in?

Mr. MANSFIELD. Not quite. [Laughter.]

Mr. DIRKSEN. Perhaps the Senator mistakes paralysis for rigor mortis.

Mr. MANSFIELD. Mr. President, the purpose of these remarks is to serve notice on the Senate that at any time from now on, a petition for cloture may be filed.

RECESS UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 7 minutes p.m.) the Senate took a recess until tomorrow, Saturday, August 11, 1962, at 9 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate August 10, 1962:

NATIONAL SCIENCE FOUNDATION

Dr. Harvey Brooks, of Massachusetts, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1968, vice Julius A. Stratton.

SENATE

SATURDAY, AUGUST 11, 1962

(Legislative day of Friday, August 10, 1962)

The Senate met at 9 o'clock a.m., on the expiration of the recess, and was called to order by the Honorable LEE METCALF, a Senator from the State of Montana.

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

O God, whose rule is law, but in whom there is love that never fails and a mercy like the wideness of the sea: Thou hast given us our yesterdays, and in that record of what we have written, we have written of good or of ill. Our grateful memories of temptations resisted and victories won are secure. Our tomorrows are within Thy care, as the future lies before us.

Today is ours, fresh from Thy hands. It is sustained as in the morning we write at the top of its page "In the beginning, God." Grant us the grace to command it, to seize it, to mold it to Thy purposes, and so to number its hours that we may apply our hearts unto the wisdom that shall be as healing balm for this ailing world.

We ask it in the holy name of the One who has said: "As thy day, so shall thy strength be." Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 11, 1962.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. LEE METCALF, a Senator from the State of Montana, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. METCALF 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 the calendar days of Thursday, August 9, and Friday, August 10, 1962, was dispensed with.

TIME SPENT ON CONSIDERATION OF SPACE COMMUNICATIONS BILL

Mr. MANSFIELD. Mr. President, I wish to comment on my calculations concerning the time spent by the Senate in consideration of the space communications bill. Yesterday, I noted—as is to be found on page 16121 of the RECORD—that this measure had been thoroughly studied by five committees in the Senate, and by one in the House, and had been the subject of well over 3,000 pages of testimony, which took 45 days to present. I wish to make clear, if it was not already so, that these 45 days and 3,000 pages represent a total of the time spent in both the five Senate committees and the single House committee. I may add that the total pages of hearings recited did not include those of the Foreign Relations Committee which are now available, and swell the total. I also mentioned that this measure had consumed 308 pages of the RECORD during 14 days. This figure was incorrect; actually, there had been 308 pages of debate in 12 days on the Senate floor, or 358 pages of debate in 14 days in both the House and Senate. Yesterday's proceedings raised these totals.

I make this statement in order to make sure that the RECORD is clear, and to correct a misstatement which I made yesterday.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, at this time I should like to propound a unanimous-consent request, and I do so for the purpose of allowing some of our Members who may be interested in what I am about to do to arrive on the floor: I ask unanimous consent that I may be allowed to suggest the absence of a quorum, and that the quorum call be rescinded at the end of 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BUSH. Mr. President, reserving the right to object—although I shall not object—let me ask whether there is to be a morning hour.

Mr. MANSFIELD. No.

Mr. PROXMIRE. Mr. President, reserving the right to object, in order to comment on the same point, let me say I think the Senator from Connecticut and I have the same objective. I wish to speak on several matters for perhaps 4 or 5 minutes, and I believe that perhaps the Senator from Connecticut has the same purpose.

Mr. BUSH. I wish to speak briefly.

Mr. MANSFIELD. Then, Mr. President, I ask unanimous consent that there may be a morning hour for the next 15 minutes, and that at the end of that time I may be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KEFAUVER. Mr. President, reserving the right to object——

Mr. MANSFIELD. Mr. President, I am trying to be accommodating to all Members of this body, especially those who are opposed to the pending bill. I am trying to make it possible for Senators who are on their way to the Chamber to arrive here in time. If I cannot obtain the acquiescence of the entire Senate in the latest request I have made, then I shall be forced to go ahead and just take my chances. But I hope the Senate will do what it can to bring about an accommodation for the benefit of Members who are on their way to the Chamber.

Mr. LONG of Louisiana. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. LONG of Louisiana. Let me suggest that the Senator from Montana has now made two unanimous-consent requests, and neither one has been objected to. So far as I am concerned, either one is all right.

Mr. MANSFIELD. The Senator from Louisiana is most kind; and if we can discuss this matter for 15 minutes, then I shall be prepared to make my statement—or even sooner, depending on the circumstances.

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

Mr. MANSFIELD. I yield.

Mr. KEFAUVER. So far as I am concerned, I have no idea of objecting to the unanimous-consent request. But I believe it should be pointed out that while the Senator from Montana is making it convenient for Senators who are opposing the bill, we are trying to make it convenient for the leadership and for Senators who favor the bill.

I also wish to reserve the right to object in order to observe that the Senator from Montana has spoken of the time used for debate on the bill. I know he wishes all Members to have an opportunity to state their position. This bill is very technical, important, and complicated. I happen to know that some 4 or 5 Senators have not had a chance to speak on the bill itself, or, at least, not to the extent they want to. I had a speech of approximately 90 pages; but, because of interruptions, I got through only about 5 pages.

Mr. MANSFIELD. Then, Mr. President, I request unanimous consent that a 15-minute period be set aside, in order to permit Senators to make insertions in the RECORD and speeches not to exceed 3 minutes in length, at the end of which time I shall be given the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LAUSCHE. I should like to speak also.