United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 87th CONGRESS, SECOND SESSION

SENATE

FRIDAY, OCTOBER 5, 1962

The Senate met at 11 o'clock a.m., and was called to order by Hon. LEE METCALF, a Senator from the State of Montana.

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

Our Father, God, always in the beginning, before in this Chamber we talk to one another, we would hush our thoughts to stillness, and speak in prayer to Thee. We come because there is written upon the tablet of our hearts the golden motto inscribed upon these walls—"In God We Trust". We would that Thy light might flood our inmost selves, now so cluttered and confused, where the good and the evil, the petty and the great, the wheat and the tares, are so entwined.

May those who have been called to administer the affairs of the Nation make daily choice of spiritual integrity, amid the corruption that is in the world, through the lust for power. Being steadfast and immovable, may they contend for the right as Thou dost give them to see the right.

Christ Jesus, our Lord. Amen.

We ask it through riches of grace in

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington D.C., October 5, 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 Thursday, October 4, 1962, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on today, October 5, 1962, the President had approved and signed the following acts:

S. 919. An act to amend section 9(b) of the act entitled "An act to prevent pernicious political activities" (the Hatch Political Activities Act) to reduce the requirement that the Civil Service Commission impose no penalty less than 30 days' suspension for any violation of section 9 of the act; and

S. 2429. An act to revise the boundaries of the Virgin Islands National Park, St. John, V.I., and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 3453) for the relief of Dr. Felix Nabor Sabates, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 12135) to authorize appropriations for the fiscal years 1964 and 1965 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FALLON, Mr. KLUCZYNSKI, Mr. JONES of Alabama, Mr. CRAMER, and Mr. BALDWIN were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 12599) relating to the income tax treatment of terminal railroad corporations and their shareholders; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. KING of California, Mr. BOGGS, Mr. MASON, and Mr. BYRNES of Wisconsin were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4670) to amend the law relating to indecent publications in the District of Columbia.

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

H.R. 3985. An act to amend the Tariff Act of 1930 with respect to the duty treatment of certain bread;

H.R. 9414. An act to amend the Tariff Act of 1930 to provide that imported electron microscopes shall be subject to the regular customs duty regardless of the nature of the institution or organization importing them;

H.R. 12030. An act to amend the Internal Revenue Code of 1954 with respect to moneys received in payment for special statistical studies and compilations and certain other services;

H.R. 12109. An act to amend the Tariff Act of 1930 to permit certain natural grasses and other natural materials to be imported free of duty; and

H.R. 12470. An act to amend the Internal Revenue Code of 1954 to provide that the deduction for child care expenses shall be available to a wife who has been deserted by and cannot locate her husband on the same basis as a single woman.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H.R. 3985. An act to amend the Tariff Act of 1930 with respect to the duty treatment of certain bread;

H.R. 9414. An act to amend the Tariff Act of 1930 to provide that imported electron microscopes shall be subject to the regular customs duty regardless of the nature of the institution or organization importing them;

H.R. 12030. An act to amend the Internal Revenue Code of 1954 with respect to moneys received in payment for special statistical studies and compilations and certain other services;

H.R. 12109. An act to amend the Tariff Act of 1930 to permit certain natural grasses and other natural materials to be imported free of duty; and

H.R. 12470. An act to amend the Internal Revenue Code of 1954 to provide that the deduction for child care expenses shall be available to a wife who has been deserted by and cannot locate her husband on the same basis as a single woman.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in connection with the morning hour be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR ENDING JUNE 30, 1963

Mr. RUSSELL. Mr. President, reserving the right to object, before the Senate reaches the morning hour, I should like to ask that the supplemental appropriation bill, House bill 13290—which, on my objection yesterday, went over, and was not ordered to a second reading, now be read the second time and referred to the committee.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the bill (H.R. 13290) making supplemental appropriations for the fiscal year ending June 30, 1963, and for other purposes; and, without objection, the bill will be considered as having been read the second time by its title, and will be referred to the Committee on Appropriations.

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATION BILL, 1963—CONFERENCE REPORT

Mr. RUSSELL. Mr. President, if the distinguished Senator from Montana does not object, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12648) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1963, and for other purposes. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. The report will be read, for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of October 4, 1962, pp. 22325–22326, CONGRESSIONAL RECORD.)

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. RUSSELL. Mr. President, I move that the Senate disagree to the amendment of the House to Senate amendment No. 2.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Georgia.

Mr. KUCHEL. Mr. President, I should like to ask the able Senator from Georgia whether implicit in his motion is merely reaffirmation of the position he took—and on which the Senate followed him, the other day—with respect to the research project item.

Mr. RUSSELL. That is all it amounts to. The same amendment is involved in this motion. Therefore, Mr. President, I ask unanimous consent that the Senate disagree to the action of the House in accepting amendment No. 2, as amended. The House action also involved amendments Nos. 1 and 6.

The ACTING PRESIDENT pro tempore. According to the report, the House agreed to Senate amendment No. 1, and also to Senate amendment No. 6.

Mr. RUSSELL. I read the RECORD this morning; and it stated that the House receded on amendment No. 2, with an amendment which included in part the language in Senate amendments No. 1 and 6.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is correct.

Mr. RUSSELL. I move that the Senate disagree to the House amendment to Senate amendment No. 2.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

Mr. RUSSELL. Mr. President, I move that the Senate further insist on its amendments Nos. 19, 44, and 47 through 54.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

Mr. RUSSELL. Mr. President, I move that the Senate reconsider its action in disagreeing to these amendments.

Mr. TALMADGE. Mr. President, I move that the motion to reconsider be laid on the table.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

LIMITATION OF DEBATE DURING MORNING HOUR

The ACTING PRESIDENT pro tempore. The question recurs on agreeing to the request of the Senator from Montana [Mr. MANSFIELD] that statements during the morning hour be limited to 3 minutes.

Mr. RUSSELL. Mr. President, I should like to ask the distinguished majority leader—I had hoped to discuss this matter with him before the Senate convened this morning, but he did not arrive until just before the session opened—whether he has any objection to including in the request in regard to the morning hour a provision that no reports from standing committees be received during the morning hour.

Mr. MANSFIELD. Mr. President, that is perfectly agreeable.

Mr. RUSSELL. Mr. President, with that statement and with that inclusion in the unanimous-consent request, I have no objection.

The ACTING PRESIDENT pro tempore. Is there objection to the request, as amended? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, is the Senate now in the morning hour?

The ACTING PRESIDENT pro tempore. Yes.

CALL OF THE ROLL

Mr. MANSFIELD. I suggest the absence of a quorum; and I notify the attachés that this may well be a "live" quorum.

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

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

[No. 308 Leg.]

Boggs	Jordan, N.C.	Proxmire
Burdick	Kuchel	Robertson
Bush	Lausche	Russell
Case	Long, Hawaii	Smathers
Church	Mansfield	Smith, Mass.
Dodd	McGee	Sparkman
Douglas	Metcalf	Symington
Fong	Monroney	Talmadge
Gore	Morse	Williams, Del.
Hart	Neuberger	Young, N. Dak.
Javits	Pell	Young, Ohio

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Alaska [Mr. BARTLETT], the Senator from Colorado [Mr. CARROLL], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Pennsylvania [Mr. CLARK], the Senator from California [Mr. ENGLE], the Senator from Alabama [Mr. HILL], the Senator from Washington [Mr. JACKSON], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Washington [Mr. MAGNUSON], the Senator from Maine [Mr. MUSKIE], and the Senator from South Carolina [Mr. THURMOND] are absent on official business.

I further announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. HICKEY], and the Senator from Missouri [Mr. LONG] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Utah [Mr. BENNETT], the Senator from South Dakota [Mr. BOTTUM], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Kansas [Mr. CARLSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Arizona [Mr. GOLDWATER], the Senator from Nebraska [Mr. HRUSKA], the Senator from Idaho [Mr. JORDAN], the Senator from Kentucky [Mr. MORTON], the Senator from Kansas [Mr. PEARSON], the Senator from Texas [Mr. TOWER], and the Senator from Wisconsin [Mr. WILEY] are necessarily absent.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate.

The Senator from Colorado [Mr. ALLOTT] is absent by leave of the Senate on official business as a U.S. representative to the General Assembly of the United Nations.

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. BEALL, Mr. BIBLE, Mr. BYRD of Virginia, Mr. BYRD of West Virginia, Mr. CANNON, Mr. COOPER, Mr. CURTIS, Mr. DIRKSEN, Mr. EASTLAND, Mr. ELLENDER, Mr. ERVIN, Mr. HARTKE, Mr. HAYDEN, Mr. HOLLAND, Mr. HUMPHREY, Mr. JOHNSTON, Mr. KEATING, Mr. KERR, Mr. LONG of Louisiana, Mr. MCCARTHY, Mr. MCCLELLAN, Mr. MCNAMARA, Mr. MILLER, Mr. MOSS, Mr. MUNDT, Mr. MURPHY, Mr. PASTORE, Mr. PROUTY, Mr. RANDOLPH, Mr. SALTONSTALL, Mr. SCOTT, Mrs. SMITH of Maine, Mr. STENNIS, Mr. WILLIAMS of New Jersey, and Mr. YARBOROUGH entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. BURDICK in the chair). A quorum is present.

Mr. MANSFIELD. Mr. President, is the Senate in the morning hour?

The PRESIDING OFFICER. It is.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following

letters, which were referred as indicated:

REPORT UNDER MUTUAL DEFENSE ASSISTANCE CONTROL ACT OF 1951

A letter from the Secretary of State, transmitting, pursuant to law, a confidential report under the Mutual Defense Assistance Control (Battle) Act of 1951 (with an accompanying report); to the Committee on Foreign Relations.

REPORT ON GIFTS AND BEQUESTS RECEIVED BY THE U.S. NATIONAL COMMISSION FOR THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

A letter from the Acting Secretary of State, transmitting, pursuant to law, a report on gifts and bequests received by the U.S. National Commission for the United Nations Educational, Scientific, and Cultural Organization, during the fiscal year 1962 (with an accompanying report); to the Committee on Foreign Relations.

REPORT ON REVIEW OF EXTENT TO WHICH MILITARY PROCUREMENT AGENCIES AND PRIME CONTRACTORS HAVE OBTAINED CERTIFICATIONS AS TO THE ACCURACY AND COMPLETENESS OF COST DATA USED IN NEGOTIATION OF CONTRACT PRICES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of extent to which military procurement agencies and prime contractors have obtained certifications as to the accuracy and completeness of cost data used in negotiation of contract prices, dated October 1962 (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONCESSION CONTRACT ON BLUE RIDGE PARKWAY

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract with Pisgah Inn, Inc., on a portion of the Blue Ridge Parkway (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

By unanimous consent, the following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1961. A bill for the relief of 1st Lt. Charles M. Cox, U.S. Army (retired) (Rept. No. 2282).

By Mr. ERVIN, from the Committee on the Judiciary, without amendment:

H.R. 9777. An act to amend Private Law 87-197 (Rept. No. 2281).

By Mr. YARBOROUGH, from the Committee on Post Office and Civil Service, without amendment:

H.R. 5698. An act to extend the apportionment requirement in the Civil Service Act of January 16, 1883, to temporary summer employment, and for other purposes (Rept. No. 2283).

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. MANSFIELD (for Mr. MAGNUSON):

S. 3789. A bill for the relief of Fun Wat Hoy; to the Committee on the Judiciary.

By Mr. McCARTHY:

S. 3790. A bill to authorize the Secretary of the Army to convey to the city of St. Paul, Minn., all right, title, and interest of the United States in and to certain lands heretofore conveyed to such city; to the Committee on Armed Services.

By Mr. DODD:

S. 3791. A bill to establish a Federal Chemical Council to study and make recommendations concerning insecticides, herbicides, rodenticides, and related chemical products; to the Committee on Labor and Public Welfare.

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

By Mr. CURTIS (for Mr. CAPEHART):

S. 3792. A bill for the relief of Miss Markala P. Rotofanousi; to the Committee on the Judiciary.

By Mr. SMITH of Massachusetts:

S. 3793. A bill to amend title 38, United States Code, to provide a statutory presumption of "line of duty" incurrence of injury or disease; to the Committee on Finance.

By Mr. MOSS:

S. 3794. A bill for the relief of J. Arthur Fields; to the Committee on the Judiciary.

By Mr. ERVIN:

S. 3795. A bill to amend title 28, United States Code, to provide means of redress for the unlawful seizure of American property by foreign governments; to the Committee on the Judiciary.

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

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

S. 3796. A bill to amend the War Claims Act of 1948, as amended, to provide compensation for certain additional losses; to the Committee on the Judiciary.

By Mr. PELL:

S. 3797. A bill for the relief of Anne B. Mason; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S.J. Res. 236. Joint resolution to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia, and to provide that such building shall be designated the "Madison Memorial Library"; to the Committee on Public Works.

CONCURRENT RESOLUTION

MEMORIAL TO MARY McLEOD BETHUNE

Mr. JAVITS submitted a concurrent resolution (S. Con. Res. 98) favoring a memorial to Mary McLeod Bethune, which was referred to the Committee on Rules and Administration.

(See the above concurrent resolution printed in full when submitted by Mr. JAVITS, which appears under a separate heading.)

RESOLUTION

DELIVERY OF CERTAIN PAPERS TO ATTORNEY GENERAL OF INDIANA AND ATTENDANCE OF CERTAIN FORMER EMPLOYEES OF THE SENATE TO TESTIFY IN A CASE PENDING BEFORE THE SUPREME COURT OF THAT STATE

Mr. McCLELLAN, from the Committee on Government Operations, reported an original resolution (S. Res. 412) authorizing the delivery of certain papers to the attorney general of the State of Indiana and the attendance of certain former employees of the Senate to testify in a case pending before the supreme court of that State, which was considered and agreed to.

(See the above resolution printed in full when reported by Mr. McCLELLAN, which appears under a separate heading.)

PROPOSED FEDERAL CHEMICAL COUNCIL

Mr. DODD. Mr. President, in a significant and timely speech a few days ago, former Secretary of Health, Education, and Welfare Abraham Ribicoff expressed the concern many Americans feel over the possible danger posed by the widespread use of chemicals in industry and agriculture. He pointed out that each year thousands of new chemical compounds are developed and between 400 and 500 are introduced for common use.

Mr. Ribicoff said:

> It would be tragic to go on polluting the soil, the atmosphere and our streams with unlimited quantities of the latest chemical compounds without careful analysis of the potential dangers and the establishment of standards and tolerances where necessary.

The chemicals which we use today combat insects, eradicate rodents, and have reduced to the vanishing point many once dangerous diseases. They have done much for the productivity of agriculture, forestry, and industry, and have thus contributed to the health and prosperity of the American people. On the other hand, the fear has often been expressed that some of these chemicals may not be as beneficial as we believe them to be, and may adversely affect the balance of nature.

Mr. Ribicoff believes that the time has come to establish a Federal Chemical Council to inquire into the uses and effects of agricultural and industrial chemicals. If apprehensions about their impact are justified, then standards and tolerances should be set for their use; if they are unjustified, then the fears of the American people should be allayed.

Mr. Ribicoff has had invaluable experience in questions of this kind. During his tenure as Secretary of Health, Education, and Welfare, he served as Chairman of the Federal Radiation Council which set tolerances and established standards for admissible radiation, a task which did much to reduce the apprehension about radiation generally felt by the public.

In 1961, he created the Federal Pest Control Review Board with the cooperation of the Departments of Agriculture, Interior, Defense, and Health, Education, and Welfare, to establish requirements and standards for pest control in order to avoid the absorption of poisons into agricultural products.

The creation of a Federal Chemical Council to inquire into the ecological and other effects of the enormous quantities of chemicals used in agriculture and industry would not require extensive legislation; research in these and related matters is constantly being made by various government departments, so that a statute would merely require the coordination of such inquiries.

While present law gives the Secretary broad authority to conduct research and

inquiries, the cooperation of the Departments of Agriculture, Interior, and Defense is necessary for the work of the Federal Chemical Council; and it is not provided in the present statute. It is for these reasons that I introduce for the consideration of the Senate a proposed statute to establish a Federal council to study and make recommendations concerning insecticides, herbicides, rodenticides, and related chemical products.

I recognize that no bill introduced at this time can receive consideration before adjournment. Nevertheless, I am introducing it in order that it may be brought before Members of Congress, and that the appropriate committees can begin preparation for considering this bill. It is also my hope that the introduction of this bill will encourage the executive departments involved to think about this question and take the steps toward the establishment of such a council that present law permits.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD and also that excerpts of remarks made by former Secretary of Health, Education, and Welfare Abraham Ribicoff before the Winsted, Conn., Rotary Club on October 1, 1962, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and excerpts are ordered to be printed in the RECORD.

The bill (S. 3791) to establish a Federal Chemical Council to study and make recommendations concerning insecticides, herbicides, rodenticides, and related chemical products, introduced by Mr. DODD, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established an interdepartmental council to be known as the Federal Chemical Council, which shall consist of the Surgeon General (who shall be chairman) and one representative from the Department of Agriculture who shall be appointed by the Secretary of Agriculture, one representative from the Department of the Interior who shall be appointed by the Secretary of the Interior, one representative from the Department of Defense who shall be appointed by the Secretary of Defense, and one representative (in addition to the Surgeon General) from the Department of Health, Education, and Welfare who shall be appointed by the Secretary of Health, Education, and Welfare.

(b) It shall be the duty and function of the Federal Chemical Council to conduct a continuing study and investigation of insecticides, fungicides, herbicides, rodenticides, and related chemical products, collate information with respect to, and make tests of, such products with a view to determining whether such products are harmful to human life or health, or produce any other unintended detrimental result when used for the purpose and in the manner prescribed by the distributors thereof.

SEC. 2. On the basis of knowledge and information obtained by reason of its studies and investigations conducted under the first section of this Act, the Federal Chemical Council shall formulate and recommend to each Department represented on the Council coordinated policies and standards to be observed by the Departments so represented in discharging their respective responsibilities with respect to the regulation of insecticides, fungicides, herbicides, rodenticides, and related chemical products.

SEC. 3. The Secretary of Health, Education, and Welfare shall furnish to the Federal Chemical Council such personnel, quarters, equipment, and facilities as may be necessary to enable such Council to carry out its functions under this Act.

The excerpts presented by Mr. DODD are as follows:

EXCERPTS FROM STATEMENT BY SECRETARY RIBICOFF

Rachel Carson has performed a valuable service to her country by spotlighting the widespread use of chemicals in our environment and pointing out many of the dangers that are now faced and those that may develop in the future.

By writing "The Silent Spring" Miss Carson has posed to the Nation a challenge that must not go unanswered. It would be tragic to go on polluting the soil, the atmosphere and our streams with unlimited quantities of the latest chemical compounds without careful analysis of the potential dangers and the establishment of standards and tolerances where necessary.

At the same time it would be just as unfortunate to condemn out of hand the agricultural or industrial use of many chemicals that are extremely valuable in ridding our food of harmful insects and preserving food so that it will be available at low cost to millions of consumers.

Three years ago the Government responded to a similar challenge in the field of radiological health when Congress authorized creation of the Federal Radiation Council, composed of the major Federal agencies having an interest in nuclear energy and its safe use. I served as Chairman of this Council, and found it to be a most effective way of bringing the various interests of the relevant Federal agencies to bear on the problems of radiation.

I believe the problems of chemicals call for the creation of a Federal Chemical Council. Such a Council is needed both to promote public health and to avoid public hysteria.

The existing Federal Pest Control Review Board can well serve as the basis for a Federal Chemical Council. The Council should be given clear statutory authorization and expert staff to conduct research. To the present board members representing the Departments of Defense, Agriculture, Interior, and HEW should be added the Department of Commerce.

Furthermore, it should be made clear that the policymaking functions of the Chemical Council should be handled by the top level of the member Departments, as is the case with the present Radiation Council.

Like the Radiation Council the Chemical Council should be given a broad mandate to formulate standards which will give due recognition both to the benefits of chemicals and their potential dangers.

A second step that must be taken is the full-speed development of the Environmental Health Center for which planning funds have already been made available. The billions we spend to increase our knowledge of outer space will be worthless if we do not take steps to learn all we can about the environment here on earth.

The Environmental Health Center will give the Public Health Service a long-needed facility to coordinate and advance scientific research in all phases of health hazards found in the environment including water pollution, air pollution, radiation hazards, and the dangers of chemicals.

The problem of chemicals has been growing in this country and it is time that it receives the serious attention it deserves. Each year, thousands of new chemical compounds are developed and between 400 and 500 are introduced for common use.

Sometimes the toxic effects of these substances are known, but often adverse effects are not discovered until injury or even fatalities occur. The threat can come from ingestion, inhalation, or simply skin contact.

And there are so many different sources from which these chemicals reach us. Their application to food products in pesticides is perhaps the best known. But many other chemicals are extensively used in the manufacture and packaging of foods. And still other substances get into food and water supplies from the disposal of wastes by chemical manufacturing.

One of the major areas where further research is essential concerns the cumulative effects of very small quantities of chemical substances. Our knowledge of the immediate effects of many chemicals is increasing rapidly, but we still know very little about the potential dangers of lifetime accumulations.

Beyond this problem are the exceedingly difficult mysteries that surround the interaction of two or more chemicals within the human body. Each may have low toxicity, but their combination may produce a major health hazard.

All of these matters deserve the serious attention of the highest levels of our Government, working closely with the best scientists in the land. I am sure that responsible manufacturers will support every effort to learn more about the effects of their products. Research that points out a hazard from one product may well disprove unfounded fears concerning another.

This is an area where we need to mobilize our research efforts and give the consuming public as much guidance as we possibly can. The Environmental Health Center can spur this research effort, and a Federal Chemical Council can supply the policy direction.

It is probably too late to take action at this session of Congress, but I believe these matters should receive a high priority when Congress convenes in January. If I am elected Senator, the matter of chemical hazards will receive my early and serious attention, along the line I have outlined.

MEANS OF REDRESS FOR UNLAWFUL SEIZURE OF AMERICAN PROPERTY BY FOREIGN GOVERNMENTS

Mr. ERVIN. Mr. President, I introduce, for appropriate reference, a bill to amend title 28, United States Code, to provide means of redress for the unlawful seizure of American property by foreign governments. I ask unanimous consent that the bill, together with a statement prepared by me, relating to the bill, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the RECORD.

The bill (S. 3795) to amend title 28, United States Code, to provide means of redress for the unlawful seizure of American property by foreign governments, introduced by Mr. ERVIN, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1332, title 28, United States Code, is amended by—

(1) redesignating subsections (c) and (d) thereof as subsections (d) and (e), respectively; and

(2) inserting therein, immediately after subsection (b) thereof, the following new subsection:

"(c) If the matter in controversy in any such action involves, or arises out of, an act of a foreign state in violation of general principles of international law, or of a treaty to which the United States and the foreign state are signatories, it shall be no bar to the maintenance of the action that it is brought against a sovereign state, without its consent, or that it involves the validity of official acts of such state."

(b) Section 1655, title 28, United States Code, is amended by adding at the end thereof the following new paragraph:

"In any such action by an American citizen or corporation, involving or arising out of an act of a foreign sovereign in violation of the general principles of international law, or of a treaty to which the United States and such foreign sovereign are signatories, it shall be no bar to the maintenance of the action that it is brought against a foreign state, without its consent, or that it involves the validity of official acts of such state."

SEC. 2. (a) Title 28, United States Code, is amended by inserting therein, immediately after section 1655 thereof, the following new section:

"§ 1655A. Lien enforcement; property of foreign states.

"It shall be no objection to the issuance of mesne or final process with respect to property, as provided by Rule 64 of the Rules of Civil Procedure promulgated under this title, that the property is owned by a foreign state, if it is used in or acquired from commercial activities by such foreign state, or has been acquired by it as a result of acts against an American citizen or corporation in violation of general principles of international law or of a treaty to which the United States and the foreign sovereign are signatories."

(b) The analysis of chapter 111, title 28, United States Code, is amended by adding thereto, immediately after the item relating to section 1655 thereof, the following new item: "1655A. Lien enforcement; property of foreign states."

The statement presented by Mr. ERVIN is as follows:

STATEMENT BY SENATOR ERVIN

In the recent debate and report on the foreign aid appropriation bill the Congress has strongly restated its determination expressed in the Hickenlooper amendment to halt expropriations of the property abroad of U.S. citizens by foreign governments receiving our foreign aid. (See remarks Senators SALTONSTALL, MORSE, HICKENLOOPER, LAUSCHE, and ALLOTT, CONGRESSIONAL RECORD, Oct. 2, 1962, pp. 21615–21621.) But it is not enough to deny grace of foreign aid to prevent or deter such illegal activities. It seems to me that apart from inducements of aid which may be only temporarily available our local Federal law relating to private transactions can be strengthened to protect our citizens' interest in their property abroad. This more permanent protection of U.S. private law I am convinced could be used much more effectively than is possible today without force and without drawing down the energy of the State Department. I am introducing herewith for discussion a bill representing one step in the process of improving our private law on this vital subject.

Only recently, expropriated sugar belonging to one of our nationals was found within the territorial jurisdiction of the United States in the possession of the foreign government which seized it. One of our Federal courts (the District Court of Virginia) felt itself powerless on the basis of our present U.S. law even to entertain an action to restore the property to its U.S. lawful owner. This intolerable jurisdictional impasse has been thought to be required by the doctrines of sovereign immunity and the act of state. But these doctrines, originally designed to prevent friction between nations, under present conditions invite unlawful seizure and cause strained relations.

If a seizure of property of a U.S. citizen has been made in violation of international law or of a treaty to which we are signatory, no reason of logic, fairness, or international law or morality ought to prevent U.S. courts, having the property within the U.S. jurisdiction, from having jurisdiction to restore the property to its rightful owner, or compensating him for its seizure.

Legislation pursuant to the bill I am introducing would offend no recognized principles of international law. For it has always been conceded that states may take retaliatory measures to defend themselves against violations of international law. Surely, a state may provide means for restoring to its citizen-owners property within its own jurisdiction which has been illegally taken by another state, in violation of its express obligations and agreements.

Modern enlightened authority, including our own American Law Institute, favors the view that when it is alleged and proved that property was taken in violation of international law our courts should take jurisdiction, adjudicate the merits and decree the delivery of such property. Our Federal courts have frequently indicated an invitation to Congress to direct their action in such matters.

It may be urged (cf. American Law Institute Foreign Relations Restatement S. 44) that the courts should act only if the State Department interposes no objection. But the observations of Senators HICKENLOOPER, MORSE, LAUSCHE, and SALTONSTALL in the debate on the foreign aid appropriation bill above referred to clearly indicate that under present conditions of cold war turmoil it may be of little help to our courts to require or suggest that they look to the overworked State Department for diplomatic assistance in what is essentially, for a nation which lives by law, a legal problem. Let us have what affirmative assistance the State Department, under international law, can give our expropriated citizens. But let us also by the law of our own local courts give those citizens a maximum chance to protect themselves in their own country through our own law and our own lawyers.

MEMORIAL TO MARY McLEOD BETHUNE

Mr. JAVITS. Mr. President, I submit a concurrent resolution with respect to the memorial to Mary McLeod Bethune, and ask that it be appropriately referred.

Mr. President, I should like to bring to the attention of my colleagues a very worthy effort which is taking place here in the District of Columbia in connection with the recently celebrated 100th anniversary of the signing of the Emancipation Proclamation.

The National Council of Negro Women in its convention in 1958 voted unanimously to undertake the project of memorializing its founder, Mary McLeod Bethune, with a monument to be unveiled January 1963, commemorating a century of freedom.

Born of parents who had been slaves, her early childhood years were spent working in the fields. She was 9 years of age before she had the opportunity of attending a Presbyterian mission school, for at that time there were no schools for Negroes in her community. This intrepid pioneer became one of the country's great educators, building Bethune-Cookman College from a one-room school with orange crates as desks to a million-dollar college, located amid the Florida pines at Daytona Beach.

Mrs. Bethune was a born organizer and set in motion many groups for teachers, organized women on national levels, parents, business enterprises, religious institutes and conferences. She was a militant crusader for civil and human rights.

Mrs. Bethune occupied many important posts under four Presidents of the United States and was the recipient of eight honorary degrees from leading American colleges and universities.

On December 5, 1935, she founded the National Council of Negro Women, uniting national organizations of Negro women of the widest possible range of interests to give broad leadership to Negro women as they increasingly integrated into the spiritual, social, economic, cultural, and political life of America. Mrs. Bethune served as its first president for 14 years and gave distinguished leadership to these program objectives.

The women of America have already demonstrated a wide and keen interest in focusing attention on a symbol of belief in the dignity of the individual. And this cause is significant, not only in America but throughout Asia, Africa, and the entire world. By memorializing a great American and commemorating 100 years of progress toward social justice, we are keeping faith with our destiny and giving renewed hope to the uncommitted millions throughout the world.

It is fitting that the memorial honoring Mrs. Bethune will also commemorate the 100th anniversary of the signing of the Emancipation Proclamation. In her life and works she exemplified the great fruits of that historic pronouncement and it is therefore doubly appropriate that they be linked in this lasting tribute.

So keenly does the National Council of Negro Women feel the importance of this monument and historic event, that the national convention, normally called in November, has been set for December 27, 1962, to January 1, 1963, so that thousands of women from all over the United States will be in the Nation's Capital for the observance of the centennial of the Emancipation Proclamation. The delegates will be working around the theme: "The Negro Woman—Her Role and Contributions Over a Century of Freedom."

I urge all Americans to join in with the National Council of Negro Women and the Commission on Civil Rights in helping to make the country aware of a memorial that gives magnificent evidence of the way in which we can give recognition to the contributions of this great American woman educator.

Mr. President, I ask unanimous consent to have inserted at this point in my remarks a statement prepared by the National Council of Negro Women

describing the two elements of this memorial.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 98), submitted by Mr. JAVITS, was referred to the Committee on Rules and Administration, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress regards with favor the memorial to Mary McLeod Bethune to be erected, in commemoration of a century of freedom, through popular subscriptions raised by the National Council of Negro Women and located upon a site to be made available pursuant to the joint resolution entitled "Joint Resolution authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune", approved June 1, 1960 (74 Stat. 154).

The statement presented by Mr. JAVITS is as follows:

CONSULTATION ON SITE SELECTION AND DEVELOPMENT OF THE MARY MCLEOD BETHUNE EDUCATIONAL CENTER

OBJECTIVE

For some time the National Council of Negro Women has been in need of more adequate facilities for its headquarters operation. This need is even more acute today, but it is now part of a larger objective.

The joint resolution passed by the Congress and signed by the President of the United States gives the National Council of Negro Women the authorization to erect in the Nation's Capital the first memorial to an American Negro woman—Mary McLeod Bethune. More than a headquarters office space, we now want to build a Bethune Memorial Educational Center as a living tribute to our distinguished founder.

THE TWO ELEMENTS OF THE MEMORIAL

I. The memorial

Lincoln Park now holds the statue of Abraham Lincoln with a group of slaves with broken chains. The inscription points out that this monument was erected by emancipated citizens of the United States, who raised $18,000 to erect it in 1874. Charlotte Scott, a Negro woman gave the first $5 she had earned in her freedom to erect this monument when she learned that Mr. Lincoln was dead.

At the close of the century of freedom, January 1, 1963, we want to have erected at another point in Lincoln Park a monument to Mary McLeod Bethune, as a symbol of the progress and contributions of the descendants of those emancipated citizens. Such a piece of sculpture must capture the spirit of Mrs. Bethune to serve as an inspiration to youth and adults for generations to come.

II. The Memorial Educational Center

In the United States, there is the need for an educational center which will bring together in a creative setting, the archives and activities centered on the contribution of Negro women in American life. Hadassah, B'nai B'rith Women, University Women, to mention just a few, have developed under their auspices such facilities as best project their activities and contribution to American culture.

Mary McLeod Bethune belongs to all that is finest and best in America. Her life and work inspire the kind of service and activity so vital to the enrichment of the continuing education of adults for leadership at home and abroad. Such a center would perform many functions, as follows:

Archives around Negro women's organizations and activities in the United States.

Afford headquarters for the National Council of Negro Women and other interested women's organizations with cooperative use of basic facilities and equipment.

Serve as a center for research.

Provide a training center for the community leadership of women.

Be an adequate reception center for the many foreign visitors who constantly seek firsthand contact with Negro women's organizational activities.

Provide services essential in enhancing communication between people of many backgrounds.

Serve as a genuine clearinghouse and cultural center.

CONVEYANCE OF CERTAIN LANDS TO CITY OF CHEYENNE, WYO.—AMENDMENT

Mr. McGEE (for himself and Mr. HICKEY) submitted an amendment, in the nature of a substitute, intended to be proposed by them, jointly, to the bill (S. 3748) to authorize the Administrator of General Services to convey certain lands in the State of Wyoming to the city of Cheyenne, Wyo., which was referred to the Committee on Government Operations and ordered to be printed.

FIXING OF FEES PAYABLE TO THE PATENT OFFICE—AMENDMENT

Mr. KEATING submitted an amendment, intended to be proposed by him, to the bill (S. 2225) to fix the fees payable to the Patent Office, and for other purposes, which was ordered to lie on the table and to be printed.

THIRD SUPPLEMENTAL APPROPRIATION BILL, 1963—AMENDMENT

Mr. JOHNSTON submitted an amendment, intended to be proposed by him, to the bill (H.R. 13290) making supplemental appropriations for the fiscal year 1963, and for other purposes, which was ordered to lie on the table and to be printed.

TO PRINT AS A SENATE DOCUMENT THE MINORITY LEADER'S REPORT

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may file the minority leader's report and also to have it published as a document.

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

TO PRINT AS A SENATE DOCUMENT THE REPORT OF JOINT SENATE-HOUSE REPUBLICAN LEADERSHIP

Mr. DIRKSEN. Mr. President, last year there was published in the RECORD, and as a document, the report of the joint Senate-House Republican leadership. I ask unanimous consent that that report may be printed in the RECORD and also be printed as a document.

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

TRIBUTE TO SENATOR MANSFIELD

Mr. BYRD of Virginia. Mr. President, the New York Times in a recent editorial said that I was not known as a praying man. I do not know the source of their information. Certainly I never told them such a thing. I strongly believe in prayer.

It is not my purpose now to pray from the floor of the Senate, but I do wish to quote briefly from the Sermon on the Mount as a text for the remarks I am making.

The quotation is to be found in the Book of Matthew in the Holy Bible. It reads as follows:

> Blessed are the peacemakers; for they shall be called the Children of God.

We have among Members of the Senate a man of proven ability in the art of peacemaking at its best and without the surrender of a single minute. I say this in sincere tribute to our fine leader, MIKE MANSFIELD.

He serves not only his Nation and the people of Montana in the best tradition of a U.S. Senator, but he also discharges the burden of majority leadership with great dignity and capacity.

We are closing the second difficult session of the 87th Congress, and I take this opportunity formally to express my appreciation for the extraordinary service he is rendering the Senate and the country.

I wish to state for the RECORD my own gratitude for the courtesies he has shown me; and it is my observation that consideration for individuals is among his fine characteristics.

The problems of leadership in the session now ending have been many and tedious, but I believe no one could have resolved them with more fairness and equity.

To follow MIKE MANSFIELD as leader of the Senate is to become aware of the self-discipline which he exercises. No one can accuse him of using his position to force his own inclinations on others.

He is a man of keen intellect who has been faithful to the duties of leadership. He is a peacemaker in the best sense of the word. He has my deep respect and my earnest desire to cooperate in every possible way.

I wish him well as we enter a short recess. His soul must yearn to a little peace. I hope he has it for the next few weeks, and I look forward to his leadership again in January.

Mr. KERR. Mr. President, I am deeply grateful to the distinguished Senator from Montana, our great majority leader, for his kind and generous, albeit exaggerated, remarks.

No one is any more aware than I am of the extent to which our leader has drawn upon his great reserve of ability to express his deep friendship for the Senator from Oklahoma in formulating these remarks.

I can only say, Mr. President, that it is a challenge to any man to serve under such a great leader and to have an opportunity to help such a great leader, who has, in his service to his country in the 2 years in which he has been the majority leader of the Senate, given an example of leadership characterized by ability, patience, vision, courage, and understanding which the Senator from Oklahoma has never seen surpassed—

and I cannot think of a time I ever saw it equaled.

If anything above the ordinary has characterized the service by the Senator from Oklahoma it has been the challenge inherent in the opportunity to serve with and under such a great, able, and beloved leader as the Senator from Montana [Mr. MANSFIELD].

TRIBUTES TO DEPARTING SENATORS

Mr. MANSFIELD. Mr. President, I desire on this occasion to pay my respects to the distinguished Senator from Hawaii [Mr. LONG] who will be leaving the Senate after his term expires this year. No Senator has been more cooperative, more understanding, or more tolerant than has the distinguished Senator from Hawaii, who has made an outstanding record of public service both on the mainland and in his State of Hawaii as a Senator of the United States.

We shall miss him because of the many contributions he has made to legislation, but we want him to know that he is always welcome to return whenever he wishes to do so for we shall be glad to see him. We hope he will be willing to give us the benefit of his advice and counsel.

Mr. MORSE. Mr. President, I join in the tribute just paid by the majority leader to the distinguished Senator from Hawaii [Mr. LONG]. I think one of the finest compliments which can ever be paid to a man is to refer to him as a fine Christian gentleman. Senator OREN LONG is a Christian and a gentleman. The Senate will be the loser when Senator LONG does not return to the Senate next January because of his voluntary retirement. I consider him one of my precious friends.

Mr. DODD. Mr. President, I join with the majority leader and the Senator from Oregon [Mr. MORSE] in the richly deserved tributes they paid to Senator LONG of Hawaii. Having sat beside him in the Senate, I can say that I have never known a finer man. He possesses great patience and gentleness, and a rare insight into public issues. All of us have been enriched by our association with him during his years among us in the Senate, and all wish him well in the years ahead. I should like also to join with other Senators in expressing good wishes to the distinguished junior Senator from Massachusetts [Mr. SMITH], who will be leaving the Senate at the end of this session. He, too, has been a "seat mate" of mine, sitting only two seats away in the same row.

Senator SMITH has been an outstanding Member of this body. He has always been kind and patient, hardworking and capable. I shall miss him here in the Senate and I trust that we shall see him again, because he is a genuine public servant. He should be a part of this administration, for which he has done so much, and to which he can make such a contribution.

Mr. KUCHEL. Mr. President, it is a singular event for an American to become the first U.S. Senator from his State. It is an honor which has been accorded to four of our sitting Senators.

On this occasion I wish to join with Senators who have already spoken in paying tribute to a most gracious, humble, able, dedicated U.S. Senator, OREN LONG. During most of his adult life he has devoted himself to education, especially the education of our youth. He has brought with him to the U.S. Senate the same talents which he used in school and which have served him so well in representing his State and Nation in the Capital of the country.

The only word I know in Hawaiian is "aloha." I am very happy, along with all his colleagues, Democrats and Republicans, as OREN LONG returns to his great State, to say, "aloha" to a departing friend. I hope we may have the pleasure of seeing him many times in the future.

Mr. TALMADGE. Mr. President, I desire to associate myself with the remarks of other Senators who have paid tributes to our departing colleagues, the distinguished Senator from Hawaii [Mr. LONG], and the distinguished Senator from Massachusetts [Mr. SMITH]. It has been a genuine pleasure to serve with these honorable men. I hope their departure from the Senate will not mean an end to their outstanding public service.

Mr. SALTONSTALL. Mr. President, I rise now to pay tribute to my colleague, Senator BENJAMIN A. SMITH II.

When Senator SMITH was appointed by the Governor of Massachusetts to fill the unexpired senatorial term of President Kennedy, I did not know Senator SMITH personally. But I found him to be a nephew of a long-time friend of mine, Frank O'Brien. I also found that his father and other members of his family had been in public life in Gloucester, Mass., for many years, and that Senator SMITH himself was a member of the city council of Gloucester, and was elected mayor of the city from the council.

So, Mr. President, I came to respect the appointment which the Governor had made; and as Senator SMITH and I became colleagues, we also became friends.

Senator SMITH has made a good and conscientious Senator. Insofar as Massachusetts is concerned, he has joined with me in several undertakings which we shall always remember. They include establishment of the Cape Cod National Seashore and the provision for increased research and assistance to the fishing industry, with which he is particularly familiar.

One of the best speeches ever made on the floor of the Senate in relation to any industry was the speech which Senator SMITH made on the fishing industry, its problems and its future.

Now Senator SMITH is about to travel to Uganda, to be the representative of the President of the United States at the celebration of Uganda's independence. I am confident that Senator SMITH will make an excellent representative of the President, and not only will help to establish a fine spirit between our country and Uganda, but also will make many friends, both for himself and for our country, in that land.

BENJAMIN SMITH has a brilliant future ahead of him. Although he will no longer be a colleague in the Senate, he will continue to be our friend. I appreciate greatly the frankness and sincerity with which he has done such fine work in performing his duties as a Member of the U.S. Senate; and I am confident that every Member of the Senate feels, as I do, that we shall lose a valued colleague when Senator BENJAMIN A. SMITH ends his Senatorial services at the conclusion of this session.

Mr. MOSS. Mr. President, I rise to associate myself with the tributes which have been paid to our colleague, Senator OREN LONG, of Hawaii, who has chosen to retire from this body at the conclusion of this session.

Senator OREN LONG came to the Senate as one of the first Senators from the State of Hawaii. He is a thoughtful, quiet, and gentle man; he is a man of great courage; and he is completely dedicated to the things in which he believes, and is dedicated to the ideals of his party. Certainly he is a most courageous representative of the interests of his State.

It has been my good fortune to serve on two of the standing committees of the Senate with Senator LONG. I always found him most diligent in his attention to duty, always willing to cooperate, always friendly and helpful, and always standing firmly for the things in which he believes.

His lovely wife, Geneva, has been a great asset to him, and has become a good friend of all those who have come to know and love her.

All of us will greatly miss Senator LONG and his lovely wife when they return to their beloved State of Hawaii. I hope they will find occasion to return here often, to renew the many friendships they have formed while they have been in Washington. I join all my colleagues in wishing for Senator LONG and his charming wife, long, happy, and useful lives in their beautiful native State.

Mr. METCALF. Mr. President, I join my colleagues in honoring Senator LONG, of Hawaii. It has been my privilege during the last 2 years to serve on both the Interior and Insular Affairs Committee and the Public Works Committee with him. I have grown to admire and respect his perception, his close attention to arduous committee work, his dedication of sound policy and commonsense. I have valued his counsel and advice and grown to regard him as a fine friend.

But above and beyond my respect for a sincere and effective legislator, I have admired the friendliness, the kindliness of Senator LONG. As we say a last "aloha" to our colleague and wish him many pleasant years of retirement, we can assure him that he will be missed in the Senate but not forgotten by those who served with him.

Mr. SALTONSTALL. Mr. President, I wish to join in the tributes paid to the Senator from Hawaii [Mr. LONG]. I have come to know him and to appreciate

very much his great ability and his many contributions.

Mr. DOUGLAS. Mr. President, OREN LONG is a virtuous and a friendly man. He has been a splendid Senator, and has endeared himself to all of us. We shall sorely miss him, but we hope that his future years may be fruitful and happy.

Mr. GORE. Mr. President, Tennessee is proud of the distinguished junior Senator from Hawaii, Hon. OREN LONG. He has many relatives and friends in Tennessee, and he has been a frequent visitor there.

His service in the U.S. Senate has been marked by significant contributions. His has been a constructive career, a positive record. His service in the Senate, however, but climaxes a life of service, a life filled with a unique goodness of spirit and good will.

To his honored retirement he takes the admiration and best wishes of all who have had the privilege of serving with him.

Also, Mr. President, the distinguished junior Senator from Massachusetts [Mr. SMITH] has served well. Each of his colleagues, I dare say, regrets his departure from the Senate. He has grown in stature and in the affection and esteem of the Senate. It is my hope that President Kennedy will persuade him to assume a responsible position in the Government.

Mr. METCALF. Mr. President, I was not on the floor yesterday while tributes were being paid to the junior Senator from Massachusetts [Mr. SMITH]. But I do want to associate myself with the majority leader and my colleagues in mentioning the loss the Senate will suffer with the departure of BEN SMITH.

It has been my privilege to serve on one committee with Senator SMITH. He was a faithful worker on that committee as he has been in his other duties.

But it was in that separate fraternity among the new Members that I came to know Senator SMITH best. His friendliness and his personality endeared him to us as it did to his more senior colleagues. Each of us regards Senator SMITH as a beloved friend.

Senator SMITH has been a dedicated, hard working and effective Senator. He will be missed and we look forward to the time when he returns to Washington to continue what is already an illustrious career.

Mr. MOSS. Mr. President, yesterday a number of my colleagues took the occasion to express on the floor of the Senate their great admiration and affection for the junior Senator from Massachusetts [Mr. SMITH]. I regret that I was not in the Chamber when this was done, because I, too, wished to express my feelings concerning my dear friend, BEN SMITH. I rise today to add my weak words on this subject.

It has been my good fortune to serve on a Senate committee with BEN. He has been diligent in his work, thoughtful in his consideration of problems, friendly in his relations with his fellow Senators and with staff people, and most effective in representing his State of Massachusetts. It is remarkable what influence he has exerted in the relatively brief tenure he has had in the Senate. All of us, I am sure, are reluctant to see him retire.

I would say a word also about Mrs. Smith, the charming and devoted wife of Senator SMITH. She has endeared herself to the Senate community here and will be deeply missed when she returns to Massachusetts.

We wish the Smiths much happiness and continued success in their return to their native State. We all hope that they will return here often to refresh and renew the wonderful friendships we now have.

Mr. YOUNG of Ohio. Mr. President, I join with other Senators in manifesting my affection and admiration for the distinguished Senator from Hawaii, OREN LONG, who is voluntarily retiring from the Senate at the end of the present session. It has been my privilege to be seated close to him in the Senate Chamber, to come to know him, and to be closely associated with him in connection with questions of legislation. I have also had the honor to have become acquainted with his lovely wife, Geneva. Senator LONG of Hawaii, who has had the distinction of being one of the first two Senators from that new State, has made a fine outstanding record in this body. We shall miss him.

Mr. President, while I am on my feet, I also wish to state, as I have said before in this Chamber, that another of our fine colleagues, Senator BEN SMITH II, of Massachusetts, is retiring voluntarily from the Senate. We shall also greatly miss him. Senator SMITH has had the distinction of serving here by appointment to fill the position vacated by the President of the United States, who was then the junior Senator from Massachusetts, Senator Kennedy.

Senator SMITH has been a fine Senator. We all realize that he also has a great future in the affairs of the Nation and the world. So I join with my colleagues in saluting these fine Senators, who will be greatly missed following the time when the new Congress convenes next January.

Mr. PELL. Mr. President, among all the fine things and interesting experiences that the Senate brings to a newcomer are the friendships and personal relationships. It is thus with great sadness that I now pay a public tribute to our colleague, BENJAMIN A. SMITH II. To my mind, over and beyond being a good friend of mine who has been of great help to me, he has proved himself a first-class Senator and has represented his Commonwealth with immense commonsense, good judgment, and tact.

The warm friendships that BEN established here in the Senate were perhaps best evidenced the other day at a Senators' coffee hour at the White House, when he was applauded long and loud.

I am very sad indeed to know that he is retiring this year and wish him all kinds of good luck for the future. I, for one, will miss him very much and trust that in one way or another he will be back in Washington before too long.

I hope that BEN SMITH will continue to contribute of his talents and experience for the good of our country and our people. I am sure that in the days ahead that there will be opportunities when he will be called upon to continue to give of himself in the best traditions of public service.

At this time I should like also to pay my tribute, and express my regret at the departure of our colleague, Senator OREN LONG of Hawaii.

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

Mr. PELL. I yield.

Mr. PASTORE. I should like to associate myself with the eulogies paid to my distinguished friend from Massachusetts, BEN SMITH II, and my distinguished friend from the great State of Hawaii, OREN LONG. In the short time that it has been their privilege to serve in this body they have earned for themselves the respect, admiration and affection of all Senators on both sides of the aisle. It is sad that by their own decision they will not return next January to this august body. But all of us here wish to both Senators many years of good health and happiness for themselves and for their families.

Mr. YARBOROUGH. Mr. President, I desire to speak a word of tribute to our distinguished colleague and good friend, BENJAMIN A. SMITH II, of Massachusetts. It has been my privilege since he has been in the Senate to serve with him on the Committee on Labor and Public Welfare. He has worked diligently on questions of education, public health and veterans' affairs. He is a member of the Veterans' Affairs subcommittee.

When he came into the Senate he was unknown to me and to most other Senators. I had to read the RECORD twice to realize that he had been here only 2 years, through only two sessions, for he has made such a great imprint on the membership of this body, and particularly on those of us in the committees with which he works, and on all those in the Senate in relation to the subjects upon which he has worked, that we regard him a regular "long termer." It never occurs to us that he could have been here for only 2 years.

When he came here he succeeded a distinguished Senator, the President of the United States, John F. Kennedy. He had big shoes to fill, and he has filled them with ability. He has won the esteem of all Senators.

We shall miss him. I do not pay tribute to him merely in the form of a eulogy, of someone departing, because I expect future great service from him. By my standards, he is a young man. He is only 46 years of age. He has 30 to 40 years or more of an active working time in life before him. I expect to see him in at least as high a position as he holds now, or even higher—and there are higher positions in this country, in addition to Vice President and President, because an ambassadorship outranks the office of Senator. He has his life before him at his youthful age.

He brought a certain talent to the Senate that we need. Many of us in the Senate are lawyers. I believe the majority of us are lawyers. He is a manufacturer. His degree from Harvard is

that of a bachelor of science. He has had special training in business. He has brought business training and executive leadership to the Senate. He also served as mayor of his city, and in that regard he brought governmental executive talents and experience to the Senate which has been very valuable to the Senate, in his service here.

The first thing he taught me was that the city of which he was mayor was not Glowchester, which was the way I had always pronounced it, but was really "Glosster"—Gloucester.

It has been a pleasure to serve with him on committees and subcommittees, and all of us treasure his service here with us in the Senate. I believe this service here has been for him a stepping stone to what will be a great, fine career of public service.

He has added luster to the Senate in his 2 short years of service among us.

I wish to thank him particularly for his help on my cold war GI bill and on all other veterans' legislation from our committee, most of which was passed and is now law. Senator SMITH has put the imprint of his good mind and dedicated spirit in these laws.

He has been of invaluable help in connection with public health bills and education bills. If Senators will study the records of the committee with respect to bills passed and pending, they will find that BEN SMITH has made one of the finest contributions in 2 years in the field of education and of public health of anyone in the Senate. We will miss this conscientious, hardworking colleague on our committee and in the Senate.

Mr. McCARTHY. Mr. President, I wish to join my colleagues who have spoken with reference to two retiring Senators, one being Senator OREN LONG of Hawaii, and the other Senator SMITH of Massachusetts.

I speak first with reference to Senator LONG of Hawaii. In his first term in this body, the first term in which the new State of Hawaii was represented in the Senate, I think he fully met and fulfilled the three primary duties and responsibilities of a Member of the Senate.

First, he has been a devoted Member of the Senate, accepting the responsibilities of his committee assignments. He has worked diligently and competently. His recommendations and actions in committee have been generally accepted as sound by members of the committee.

Secondly, he has spoken for his own people. I think that has been most important in the first years of the existence of Hawaii as a State. It is important to have that State represented in this body and its needs made known to the Senate—not only made know in the Senate, but made a cause of action in the Senate. The work of Senator LONG has contributed in great measure to launching the State of Hawaii as one of the United States.

Third, he has fulfilled another responsibility which I think rests upon every Member of the Senate, not only to represent and speak for his people in the sense of representing their particular interests, but, beyond that, projecting to the Nation and to the people of the United States their ideas, attitudes, and judgments with regard to the problems of the Nation, and, beyond that, in giving his State a voice in councils of the world.

On these counts Senator OREN LONG has fulfilled the three great requirements that rest upon any Senator of the United States.

I can say the same with regard to Senator SMITH of Massachusetts, who has been with us a relatively short time, but who has proved himself as a campaigner and as a politican. He has proved himself as a Member of the Senate, and has created a host of admirers and friends in the short time he has been in the Senate.

I suppose it is too much to say, in view of all the facts and the conditions existing today, that we hope to have him return to the Senate very soon; but in any case we will say that if he returns to the Senate he will be received as an old friend of Senators and as one who knows the work of the Senate.

Since that seems to be impossible, at least immediately, we hope he may return to Government in some other function. In any case, we wish him the very best.

Mr. FONG. Mr. President, I would like to join my colleagues in extending best wishes and a warm aloha to the junior Senator from Massachusetts, Senator BENJAMIN SMITH, who has decided to retire from the Senate.

It has been my privilege to serve with BEN SMITH on the important Senate Committee on Public Works, where I am pleased to report he proved a most vigorous spokesman for the State of Massachusetts. I wish to commend him for his diligence to his responsibilities on this committee and to the manifold duties of a Senator. In him, the people of Massachusetts have had an able champion and an excellent representative in the U.S. Congress.

It has been a great honor for me to have made his friendship, and I regret exceedingly that he will not be with us in the next session of Congress. I do hope we shall have occasion to work together at some future time. I know I shall miss his friendly smile and his congenial personality.

To you, my friend, I say success, long life, good health, Godspeed, and aloha.

Mr. President, I wish to join my distinguished colleagues in paying well-deserved tribute to my long-time friend and colleague, with whom I am proud and privileged to serve, the junior Senator from Hawaii, OREN E. LONG.

On March 9, this year, OREN LONG announced his decision not to seek reelection to the Senate in November. I was saddened at the announcement, for I know this august body will be the poorer on losing a fine citizen who was an untiring force for good government and the brotherhood of mankind. His tenure will be all too brief.

It was 3 years ago—on August 24, 1959—that OREN LONG and I, side by side, took the oath of office as U.S. Senators—the first Senators from the new State of Hawaii.

I know he shared with me the deep thrill of that moment which brought the fact of statehood home to both of us. To dream of statehood the people of Hawaii had nurtured for more than half a century and for which OREN and I and so many citizens of Hawaii had labored so long had at last come true.

I know OREN shared with me, too, a deep sense of humility and responsibility to serve our State and our country to the best of our ability.

During the following months and years, it was my privilege to work hand in hand with OREN LONG on many pressing matters involving the new State of Hawaii. Together we served on the Interior and Insular Affairs Committee where we devoted hours upon end to the exacting task of devising legislation amending 54 sections of Federal law to effect Hawaii's transition from Territory to State. We served together also on the Public Works Committee, where we were able to have Hawaii included in the provisions of the Defense Highway Act and to obtain approval of many needed projects for Hawaii.

Together we labored to persuade Congress to establish in Hawaii a Center of Cultural and Technical Interchange Between East and West, and with the help of many friends in the Congress, we were successful. This year, the East-West Center began its second year of instruction.

Success also crowned our cooperative efforts to obtain funds for the University of Hawaii in lieu of a land grant under the Morrill Act.

OREN LONG and I joined forces to obtain authorization and funds for a breakwater to protect the city of Hilo on our largest island, Hawaii, from tidal waves, which in two devastating strikes killed more than 220 persons. Again, with the help of our sympathetic colleagues in the Congress, we were successful.

We both pressed for an irrigation project on the island of Molokai to turn desert land into fertile fields in the hope that some day Molokai might become the breadbasket of our State, which now is forced to import two-thirds of the food we consume.

These are only a few of our many cooperative endeavors in behalf of our State. Although we belong to different political parties, I am happy to report that no thought of petty partisanship interfered when the serious affairs of our State were at stake.

That we attained such a fine working relationship attests in large measure to the serene and unimpeachable integrity of OREN LONG and to his mellow wisdom and perspective born of his wide experience, for OREN LONG came to the Senate already possessed of notable attainments, any one of which standing alone entitles him to claim success.

An educator by profession, OREN LONG rose through the ranks of his chosen field after receiving his bachelor of arts degree from Johnson College, Tennessee; his master's degree in English and American history at the University of Michigan in 1916; and his master's degree in administration from Columbia University in 1922. While working on his advanced degrees, he taught high school and was in due time named principal.

During these years of education and training, OREN LONG showed discerning judgment by marrying Miss Geneva Rule, of Knoxville, a capable teacher in her own right, who has been a never-failing source of encouragement and inspiration to him throughout his career. On their wedding day, OREN and Geneva Long departed for the Territory of Hawaii, little realizing that some day Hawaii would be a State and that OREN would be chosen by its people to represent them in Congress.

But I am getting ahead of my story. In Hawaii, OREN LONG served as deputy superintendent of public instruction for the islands from 1925 to 1934, and then was named superintendent of public instruction, in which post he served with great distinction until 1946, when the President appointed him Secretary of Hawaii. In 1951, President Truman selected OREN LONG to be Governor of Hawaii. At that time, I was serving as Speaker of Hawaii's House of Representatives. I was privileged to work closely with OREN LONG in the affairs of our Territory for about 2 years until February 1953 when a change of administration in Washington resulted in a new Governor for Hawaii. On leaving the governorship, OREN LONG engaged in an active campaign for statehood for Hawaii, serving as member and vice chairman of the statehood commission from 1954 to 1956.

In the latter year, OREN ran for elective office and won a seat in the Territorial senate, where he served until 1959. On July 28, 1959, OREN LONG was elected U.S. Senator.

An adopted son of Hawaii, OREN LONG has endeared himself to the native-born sons and daughters of the islands. Countless numbers of our children are better educated because of OREN LONG's sound and enlightened leadership of our school system. They are also better citizens because of OREN LONG and his belief that "understanding and tolerance and a willingness to work together do not constitute an ideal, but rather, a necessity."

Kansas-born, OREN LONG also earned the gratitude of the people of Hawaii as Governor for his efficient administration, his record of steady progress, and his constant efforts toward full statehood for us. As the Honolulu Advertiser, one of Hawaii's fine daily newspapers stated in an editorial:

> His guiding light has been a deep sense of history and an abiding faith in the essential wisdom of an informed electorate.

Another fine daily newspaper in Hawaii, the Honolulu Star-Bulletin, accurately observed:

> Senator LONG carries with him into retirement the respect and affection of his friends on both sides of the political aisle.

A measure of the widespread esteem for OREN LONG is the action of the Hawaii House of Representatives this year in adopting a resolution offering felicitations to him on his 73d birthday.

Mr. President, I ask unanimous consent that the full text of the resolution and of both editorials be printed in the RECORD at the conclusion of my remarks, together with a laudatory article which appeared in the Kansas City Star.

I also ask that a detailed biography of OREN LONG be placed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. FONG. Mr. President, it is not ability alone that has endeared OREN LONG to Hawaii. He has won a permanent place in our hearts with his pleasing personal attributes, his gentle, kindly manner, his exemplary life, his quiet perseverance—that have proven so effective in combination. A veteran of the political arena, he shows none of the scars or bitterness of battle—remaining constantly good natured and affable. He is indeed a credit to Hawaii, to the Congress, and to all America.

It gives me great pleasure to salute you, my friend. And, while I know not what your plans for the future may be, I want to extend on behalf of Ellyn and myself our best wishes for success and Godspeed in whatever you do. I am sure I speak for all Hawaii and all your Senate colleagues and friends in Washington when I tender to you and your beloved wife, Geneva, my fond and fervent hopes that good health, long life, and enduring friendships may always bless you.

To OREN E. LONG, student, teacher, doctor, Governor, Senator, and longtime friend, may I say: "May your blessings be as full as the eastern ocean, and your life as everlasting as the southern hills."

EXHIBIT 1

HOUSE RESOLUTION 26

Whereas on March 4, 1962, the Honorable OREN E. LONG, U.S. Senator from Hawaii, celebrated his 73d birthday; and

Whereas Senator LONG has served the people of Hawaii as a schoolteacher, a principal, Superintendent of the Department of Public Instruction, Secretary of Hawaii, Governor of Hawaii, Territorial Senator, and is now serving as U.S. Senator from Hawaii: Now, therefore, be it

Resolved by the House of Representatives of the First Legislature of the State of Hawaii, budget session of 1962, That this body hereby conveys to the beloved U.S. Senator from Hawaii on his 73d birthday its best wishes for a long and healthy life that he may continue to serve the people of Hawaii as successfully as he has in the past; and be it further

Resolved, That a copy of this resolution be transmitted to the Honorable OREN E. LONG.

D. C. McClung, Abel Madeiros, Peter S. Iha, Akiro Sakima, Tadao Beppu, Dorothy L. Devereaux, Eureka Forbes, William E. Fernandes, David K. Trask, Jr., Akoni Pule, Frank W. C. Loo, Walter M. Heen, Donald S. H. Ching, Pedro de la Cruz, John C. Lanham, Namoru Yamasaki, Robert C. Pleis.

[From the Honolulu Advertiser, Mar. 13, 1962]

OREN LONG'S CAREER

OREN E. LONG may be retiring from the U.S. Senate but we doubt that this quiet and dedicated man is ending his service to the people of Hawaii.

Senator LONG has been at it for too many years—almost half a century—to call it quits now. While his name may no longer appear on a Government office door, the habit of a lifetime—the habit of service—will, we suspect, prove too strong for private citizen LONG to break.

Public service, concern with the advance of his adopted Hawaii, is the distinguishing feature of the life of this transplanted Kansan.

Some have despaired on occasion of a seeming lack of dynamism and a tendency to temporize in the face of tough decisions. To a degree this has been true, but it should not obscure that throughout a long and honorable career OREN LONG in his quiet and unassuming way has done much for Hawaii.

His guiding light has been a deep sense of history and an abiding faith in the essential wisdom of an informed public—traceable, quite naturally, to his many years as an educator.

A University of Michigan graduate, the Senator came here from Tennessee with his bride in 1917 as a social worker. He soon took up teaching and rose in time to head the department of public instruction, a post he held for 12 years before becoming successively secretary of Hawaii, head of the welfare department, and, finally, Governor by appointment.

After leaving the governorship in 1953, LONG plunged into the statehood campaign, spending many months in Washington as a citizen-lobbyist, a role in which he was particularly effective among Southern Congressmen.

In 1956 he became a Territorial Senator and then in 1959 he was elected to the U.S. Senate, a tribute to an already full life of service.

In Washington, he played a major if quiet part in helping convert the East-West Center from idea to fact. He also did much to help persuade the Congress to give the University of Hawaii $6 million in lieu of the land grant to which the institution was entitled but had never received.

And his personal interest and concern were decisive in turning congressional attention to the shameful state of affairs in long-neglected American Samoa.

Some men seek power for power's sake. OREN LONG has no doubt enjoyed the taste of power as would any man, but probably for him the greater reward has been the simple chance to help advance the public good.

His career has not been spectacular, but it all adds up to a lifetime of solid contribution to the progress of Hawaii.

[From the Honolulu Star-Bulletin, Mar. 11, 1962]

OREN LONG STANDS ASIDE

OREN E. LONG is bowing out of the U.S. Senate at the end of this year.

He is doing so in deference to an understanding that when the popular, ambitious young DAN INOUYE sought a House instead of a Senate seat 3 years ago, OREN LONG would serve one term, then step aside in favor of INOUYE.

Although his announcement does not extend to other possible candidacies this fall, intimates say Senator LONG has decided upon complete retirement from elective office.

By his action he removes a source of contention that could have led to a costly split in the ranks of his party. This is characteristic of OREN LONG, who has found conflict disagreeable and has built his political career around the image of a "nice guy" with liberal ideas.

This is not to say that OREN LONG has not, on occasion, acted with firmness and determination. But the political in-fighting has always been distasteful to him. In a sense he has remained an idealist with a firm faith that right will somehow triumph.

One finds it difficult to visualize OREN LONG, still in good health, still in full possession of his faculties, retired to the public sidelines. His age, 73, is no barrier to useful

public service and it is entirely within reason that his talents should be put to use outside of the rough and tumble of elective politics.

But even if he decides upon complete retirement, OREN LONG will have behind him a career in public life matched by few of his contemporaries.

The Kansas farm boy, who migrated to Tennessee and the University of Michigan, came to Hawaii in 1917 with his bride as a social worker in Hilo. Two years later he became a teacher and it was in public education that he made his name in Hawaii, culminating that phase of his career with 12 years as superintendent of public instruction during a period of robust growth and significant policy development.

After a brief tour of duty as director of the Department of Public Welfare, he became Secretary of Hawaii and later Governor. When the White House changed hands in 1953, OREN LONG found himself out of a job, but not for long. He entered elective politics for the first time in 1956 and won a seat in the Territorial senate where he served until his successful bid for the U.S. Senate seat in 1959 when Hawaii achieved Statehood.

Along the way he compiled a record of useful civic service in such organizations as the Boy Scouts, the Lions Club, World Brotherhood, the Honolulu Community Chest, and the Child and Family Service.

Senator LONG carries with him into retirement the respect and affection of his friends and associates on both sides of the political aisle. Certainly his party has reason to be grateful for this act of abnegation—it is a contribution toward Democratic unity at a critical time in his party's history.

FROM KANSAS FARM TO SENATE BY WAY OF HAWAII

(By Jack Williams)

WASHINGTON.—The kindly, smiling man sitting in the spacious office intended for the vice president of the United States recalled the days when he chased jackrabbits on a Kansas farm.

Senator OREN ETHELBIRT LONG was assigned the trim suite in the new Senate Office building when Vice President Nixon decided to keep his old office. He had traveled a long way from Kansas before he ran for the Senate, and he traveled more miles to win a Senate seat than any other member.

In a long career for public service in Hawaii, OREN LONG was for 2 years territorial governor, by appointment of President Truman. Last July he became one of the first two Senators from the most westerly of the 50 States, Hawaii.

His road to the islands was devious. After a boyhood in Kansas, he went to Tennessee where he was graduated from Johnson Bible College. He taught there, and earned degrees from the University of Michigan and Columbia University. On his wedding day, almost 43 years ago, he took off for Hawaii.

A DEMOCRAT FROM KANSAS

How did he become a Democrat, coming from normally Republican Kansas?

"My father was a liberal Democrat," he said, "although when I was a boy Kansas was overwhelmingly Republican. My father was a great admirer of Senator George Norris and a follower of William Jennings Bryan."

A man of disarming frankness, the Senator had a ready reply to a question about whether he had a favorite in the Democratic contest for the presidential nomination:

"With the international situation as explosive as it is, we should have in the office of chief executive experience and demonstrated capacity to give leadership and work cooperatively. In my book that adds up to Senator LYNDON JOHNSON, of Texas.

Asked about his reactions to climaxing an unusual and interesting career in the Senate, LONG modestly appraised his accomplishment:

"What I say is not going to bring the world to a stop, but it is interesting to have this part in history."

FARM HOME NEAR ALTOONA

LONG talked feelingly of his early life in Kansas. He was born March 4, 1889, on an 80-acre farm 3 miles east and 4 miles north of Altoona in Wilson County, Kans. His parents had moved there from a farm near Danville, Ill.

The pleasant days of his boyhood were in sharp contrast to the senatorial scene. The visitor to his office is greeted by a beautiful Hawaiian girl who smiles and says, "aloha." There are several Hawaiians on his staff.

In the private office of the Senator, he was found trying to accomplish the correct pronunciation of the name of Girolamo Savonarola, 15th century Florentine religious leader who caused women to cast their jewels and finery into "bonfires of vanity." He was going to refer to him in a speech to a Lions International convention: the Senator is an international director of that organization.

He laid the book aside to recall his youth in Kansas. Because of his warm memories of life on the farm and in the "deestrict school" at Earlton nearby, he has visited there every 2 or 3 years. Only one member of the family, a niece, Mrs. Max Travis, still resides in the community. She lives on the old Long farm, which has grown to 500 acres.

IN FAMILY OF SEVEN

The Senator was one of seven children. All but one still are living. They have moved to other parts of the country.

"I had an exceedingly happy life as a boy," he reminisced. "Our father allowed us to keep two greyhounds and ponies. The dogs, Ring and Lead, were matched with other dogs in our section in chasing jackrabbits. We hunted quail and cottontails. One of my happiest memories was riding a horse-drawn sleigh—a wagon bed mounted on runners—on moonlit nights.

"I skated a lot on the Neosho and Verdigris Rivers and Punkin Creek, named from its yellow water. We could skate on the Verdigris from Altoona almost to Fredonia.

"Then I can recall the big Sunday dinners, the Methodist Church, and the literary society at school. I took the affirmative in a debate, 'Resolved, Robert E. Lee was a greater general than Ulysses S. Grant.' I also remember another, 'Resolved, there is more pleasure in pursuit than possession.'"

LONG completed the first 2 years of high school at Earlton. At the suggestion of an aunt in Tennessee, he went to Knoxville, Tenn., at the age of 17. There he finished high school and entered Johnson Bible College, enrolling in a nonministerial course. He spent 10 years there, 5 as a student and 5 as a member of the faculty, earning degrees from Michigan and Columbia during the time.

On June 28, 1917, he married Miss Geneva Rule, of Knoxville, also a teacher. They left that night for Hawaii where he had received an offer as social settlement worker in Hilo. After a year he became an American history teacher in McKinley High School in Honolulu.

He has played a major role in the development of education in Hawaii, serving 12 years as superintendent of public instruction in the islands after 9 years as first deputy superintendent. Hawaii has a centralized school system which, the Senator said, guarantees every child in the islands the same educational opportunity. Well-equipped schools are found in the most remote sections.

ON CENTRALIZED SCHOOLS

Should the United States have a centralized system? The Senator does not think so. The United States is too big. In Hawaii, the system has existed since 1854.

Although LONG became interested in politics when he read about public figures in the seventh and eighth grades, his first active participation came when he left the helm of the island school system in 1946. He was director of the department of public welfare for a time in 1946. Then by Presidential appointment he became secretary of Hawaii.

May 8, 1951, he was appointed Governor of Territorial Hawaii by President Truman. He served until February 1953. He then became vice chairman of the statehood commission and worked, sometimes with little hope for statehood for the islands 2,500 miles west of the United States. He was a Territorial Senator from 1956 to 1959. Then he was elected to the U.S. Senate along with HIRAM LEONG FONG, Hawaiian-born Republican.

BIOGRAPHICAL SKETCH OF OREN E. LONG, U.S. SENATOR, STATE OF HAWAII

Place of birth: Altoona, Neosho County, Kans.

Date of birth: March 4, 1889.

Married to the former Geneva Rule, of Knoxville, Tenn., on June 28, 1917. No children.

Parents: George Riley Long and Melissa Jeanette (Johnson) Long, both from Illinois.

Senator's Hawaii office address: Room 204, 1019 Smith Street, Honolulu, Hawaii.

Resident of Hawaii since 1917.

Education and training: Grammar and first 2 years of high school—Earlton, Kansas, 1896–1907. Johnson Academy, Tennessee, 1907–09. Johnson College, Tennessee, B.A., 1909–12. University of Michigan, M.A., in English and American History, 1916. Columbia University, M.A. in administration, 1922. University of Hawaii, honorary LL.D., 1951. Johnson Bible College, honorary LL.D., 1960. Phillips University, honorary doctor of humanities, 1961.

Public service: High school teacher and principal, 1912–25. Deputy superintendent of public instruction, July 1925-June 1934. Superintendent of public instruction, 1934–46. Director, department of public welfare, for a short period in 1946. Chairman, Advisory Committee on Education for Trust Territories, at the request of the U.S. Navy, 1946. Secretary of Hawaii, 1946–51 (presidential appointment). Governor of the Territory of Hawaii, May 8, 1951-February 1953 (presidential appointment—President Harry S. Truman). Member and vice chairman, Statehood Commission, 1954–56. Territorial Senator, 1956–59. Elected U.S. Senator, July 28, 1959. Member: Committee on Interior and Insular Affairs. Chairman Interior Special Subcommittee To Study Conditions in American Samoa. Committee on Public Works. Special Committee on Aging. In 1962, appointed member Board of Visitors, U.S. Coast Guard Academy. Ranking majority member on 21-man committee, appointed by Vice President.

Community service: Member, National Education Association. Member, Hawaii Education Association. Executive Director, National Youth Association. Scoutmaster and Commissioner, Boy Scouts of America. Member of the Board, Child and Family Service. Director, Lions International. Member, National Sojourners. Member, World Brotherhood, Asia-Pacific Division, Hawaii Chapter. Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction, 32°. Member of the Board, Honolulu Community Chest. Member of the Board of Regents, University of Hawaii.

COMMENTS

Education: During the period (1934–46) that Senator OREN E. LONG was superintendent of public instruction, public instruction made great progress under his guidance and leadership. Molding the lives of the youths of Hawaii in the ideals of democracy was his

main objective. The development of good citizens was stressed constantly, as is stated in his report to the commissioners of public instruction on July 25, 1946:

"Citizenship, as an objective, can never be an elective in the schools. It is a constant. Understanding and tolerance and a willingness to work together do not constitute an ideal but, rather, a necessity.

The record of sacrifices made by all the people of Hawaii during World War II was in part a result of this progressive education of the youth of Hawaii.

A résumé of important legislation of this period is as follows: (1) Authorized exchange of public schoolteachers from any State; (2) granted leave of absence to any teacher who has served 8 years in the public schools with guaranteed return to his former position; (3) provided the use, without charge, of school books by elementary school students; (4) extended the age of compulsory attendance from 15 years to 16½ years; (5) authorized the department of public instruction to regulate the licensing of private schools; and (6) established the single salary schedule based upon the preparation and length of service of schoolteachers.

In addition, progressive legislation was passed in the areas of pupil guidance, kindergartens, adult education, increased financial support for public education and special services, added administrative-supervisory staff, teachers' leave of absence—relative to sick leave, maternity leave, and educational leave.

Statehood: Member and vice chairman of the statehood commission. Senator LONG has always been an outspoken advocate of immediate statehood. He worked closely in the work of the constitutional convention as Secretary of Hawaii and Acting Governor of the Territory of Hawaii.

Governor of the Territory of Hawaii (May 1951–February 1953): Senator OREN E. LONG was appointed Secretary (1946–51) and later as Governor of the Territory of Hawaii by President Harry S. Truman in May 1951, to serve as the 10th chief executive of the Territory until February 1953. He was Acting Governor during the most troublesome period of the history of the labor movement in Hawaii. The pineapple strike occurred in 1947, and he figured in its early settlement. The dock strike occurred in 1949. As Governor he initiated a central purchasing system, and his administration generally tightened up and improved the existing machinery of government. His administration continued its effort toward achieving statehood and he devoted much time and made numerous appearances in Washington to further the cause of statehood.

U.S. Senator: Senator LONG's election on July 28, 1959, to the U.S. Senate culminated 42 years of dedicated public service to the people of Hawaii. His abiding faith and love of the people of Hawaii have always been sustained and guided by the great Hawaiian motto: "Ua mau ke ea o ka aina i ka pono—The life of the land is preserved in righteousness."

Mr. HOLLAND. Mr. President, I should like to add my few words to the praise which has been so greatly merited by Senator LONG, which I know of my own knowledge to be thoroughly merited.

I recall when he first came to my office, at the time the Territory of Hawaii was seeking statehood. He was serving as superintendent of public instruction in the Territory. Later he served as Governor. He was here frequently, and he worked assiduously in support of the effort by Hawaii to become a State.

As one of the Senators who were supporting that effort, I found it my great pleasure to make his acquaintance. I found, with pleasure, that he liked to visit in my office, and to make himself at home there, because we found we had a good many things in common, particularly the love of history and an interest in education, in which his accomplishments had been so vastly greater than had been mine.

Later, when Hawaii was admitted to statehood and I had the pleasure of going to Hawaii at the time of the celebration of statehood, I had the pleasure to learn how greatly beloved he and Mrs. Long are among the good people there, irrespective of any political implications whatsoever. Because of his many years of service as teacher, as organizer of the school system, and as Governor of the Territory, I found that everyone spoke with praise, with admiration and with deep affection for him, for the constructive services which he had rendered so fully to his people.

I am happy, Mr. President, that he was able to round out that lifetime of excellent and honorable service by coming as one of the first team of Senators to the U.S. Senate to represent the new State. He has served admirably.

He holds the respect and affection of every Member of the Senate, regardless of the side of the aisle on which we sit, and regardless of our philosophy. As every Senator knows, we who sit on either side of the aisle are not all of the same philosophy.

I regard him with the deepest of respect and affection. I shall miss him greatly. Mrs. Holland and I wish Godspeed to him and Mrs. Long. We hope they will have many years to bask in the affection of their grateful people, who are indeed grateful for the real, living service he has rendered to them throughout so many decades.

Mr. YARBOROUGH. Mr. President, I rise to say that the distinguished Senator from Massachusetts, who spoke of our colleague from Hawaii, expressed the sentiments of all of us in the Senate when he said that the service of the Senator from Hawaii had been too brief. I appreciate Senator LONG's service. I have worked with him, and I hope to have the privilege of performing one more service with him as a representative of the Senate when we attend the Interparliamentary Union meetings in Brasilia later this month, as representatives of the Congress of the United States.

Senator LONG has had a great interest in education, which he has demonstrated to those of us who serve on the Subcommittee on Education.

He holds three earned degrees, which is an unusual distinction for any man. He holds a bachelor of arts degree from Johnson College in Tennessee, a master of arts degree from the University of Michigan, and a masters degree from Columbia University. In addition, he holds three honorary degrees, of doctor of laws and of doctor of humanities.

He has brought to the Senate his kindness of spirit that shines in him to show the great spirit that he is, and the inspiration that he has been in his life to so many peoples.

He has served as superintendent of public instruction and Governor of Hawaii when Hawaii was a Territory. He has had a lifelong experience as a scholar, teacher, school administrator, has served in the highest executive office of his Territory, as Governor, and has rendered distinguished service as a Member of the Senate of the United States, and to add here one more crown of achievement to his life of service and achievement.

He has rendered service not only in the field of education, but also in the field of conservation. He has been a leader in the efforts to conserve wildlife. One of his bills, now pending, is to save from extinction the nene goose. The total population of that very rare large bird of Hawaii now numbers less than 300, and is threatened with extinction.

He has supported conservation and park bills. This Congress has created three national seashore parks out of a total of four in the Nation. It is a conservation minded Congress, with a record of creating more recreation areas for the people than any other Congress in our history.

Certainly this is a record of which any Senator could be proud. Senator LONG has participated very actively in writing that record, particularly in the fields of education, recreation, public welfare, and conservation—conservation of human resources and of wildlife and other natural resources.

We shall miss our kindly friend from Hawaii in the U.S. Senate.

Mr. KEATING. Mr. President, I join wholeheartedly with my colleagues in paying due and deserved tribute to our distinguished colleague, Senator LONG of Hawaii on the occasion of his imminent departure from this body. Although we have had the pleasure of his company and the evidence of his high personal qualities for so limited a time, Senator LONG has earned the esteem of Members on both sides of the aisle by his vigorous involvement in the advancement of legislation which responded to the dictates of his best judgment in furthering the common cause of a better, stronger America. I know that I express the feelings of every Member of the Senate when I wish Senator LONG the fullest measure of fulfillment and happiness, in the fruitful years he will continue to give to his beloved State and Nation.

Mr. PROXMIRE. Mr. President, I wish to join in the tributes to the distinguished Senator from Massachusetts [Mr. SMITH]. He was appointed 2 years ago to be a Member of the Senate. During his service in this body he has kept in the background to a considerable extent, but he has done an extraordinary amount of work. In my opinion, no one has made a stronger fight for the fishing industry than has Senator SMITH. He has represented his State and its interests and its needs with great diligence and industry. He has been a most conscientious, thorough, fair-minded committee member.

I also wish to call attention to the fact that in the 1960 campaign for the Presidency of the United States, Senator SMITH was a leader for the Kennedy cause in northern Wisconsin, in the crucial primary there. Not only did Senator SMITH render an outstanding service

to President Kennedy, under most difficult circumstances, in the Wisconsin primary, but he deserves particular credit for his accomplishments, in view of the fact that in the primary President Kennedy was running against a solid Wisconsin favorite, the enormously popular Senator from Minnesota [Mr. HUMPHREY].

Senator SMITH made a wonderful impression there; everyone there who saw him liked him; and many of them have gone out of their way to inform me that they regard him as an unusually fine human being. So in commending Senator BEN SMITH, I speak for many of my Wisconsin constituents.

Mr. SCOTT. Mr. President, as we are about to do the country a favor and go home, there are several subjects I should like to discuss briefly.

First, I wish to join in the statements made by other Senators in praise of the service of the distinguished junior Senator from Hawaii [Mr. LONG] and the distinguished junior Senator from Massachusetts [Mr. SMITH]. It has been a pleasure and a real privilege to serve with them, to enjoy their companionship, and to realize that in this body one can make genuine friendships which we all hope will be long standing.

Speaking in deep admiration for their services, I am very happy to have the opportunity to make this statement. I regret very much that their services will be shortly ended in this body.

Mr. JAVITS. Mr. President, I should like to join my many colleagues in the Senate in expressing my pleasure and satisfaction in having served with Senator BEN SMITH and Senator OREN LONG, who are leaving us. They are men of warmth, personal conviction, high integrity and, to put it in more curbstone language, very dear people.

It has been a pleasure for me to know them under these rather august circumstances. I hope that they feel that I, in common with their other colleagues in the Senate, speed them on their way for whatever life holds for them with the pleasure and satisfaction of having had the privilege of their friendship and cooperation as colleagues in the Senate.

Mr. MCGEE subsequently said: Mr. President, I was necessarily detained in the conference committee dealing with the foreign aid bill, at the time when tributes were paid to our colleague, the Senator from Massachusetts [Mr. SMITH]. I wish to add my tribute to those already paid him.

BENJAMIN SMITH has been a Member of the Senate only 2 years. I do not know of another case in which a new Member of the Senate has so quickly made such a deep and constructive impact on the proceedings of the Senate as a whole and on its individual Members, in particular.

Therefore, Mr. President, I wish to join in wishing Senator SMITH the very best in the future; and because of our high esteem for him and our complete confidence in him, I desire to express the sincere hope that it will be possible for the President of the United States to take him to his side at the White House, as a confident, as one who, as a former Member of this body, could help the President keep in close touch with the Senate, and vice versa. Senator SMITH is highly qualified to render most valuable services in that connection. I would frown upon having a formal title and formal assignment given to Senator SMITH in that connection, because too often titles become facades behind which too little is done, and that would not be appropriate to the outstanding character of Senator SMITH.

So, Mr. President, I wish to pay my tribute to Senator SMITH of Massachusetts for his great devotion in the performance of his duties in the Senate and for the perspicacity he has displayed throughout his all too brief tenure as a Member of this body.

TRIBUTE BY SENATOR HICKEY TO SENATOR SMITH OF MASSACHUSETTS

Mr. MCGEE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a tribute by my colleague, Mr. HICKEY, to the Senator from Massachusetts [Mr. SMITH]. My colleague, Mr. HICKEY, wishes to join in these tributes. He came to the Senate at the same time when Senator SMITH did, and they have been close associates in this body.

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

TRIBUTE BY SENATOR HICKEY, OF WYOMING

I wish to join my colleagues in voicing the respect and high esteem we share for our good friend and colleague, BEN SMITH, Senator from Massachusetts.

Senator SMITH's personal qualities and public abilities have contributed substantially to the Senate and to our Nation, and I am certain that this country will continue to hear from Senator SMITH and benefit from his studious attention to its problems and devotion to its causes.

Mr. HUMPHREY subsequently said: Mr. President, earlier today a number of Senators paid their tributes to the distinguished Senator from Hawaii [Mr. LONG]. I wish to join in those expressions of friendship, admiration, and respect for the Senator from Hawaii.

Senator LONG of Hawaii has had a full life of public service. The fact that Hawaii is a State is in no small measure due to the perseverance, the statesmanship, the political ability, and the hard work of Senator LONG.

I wish the RECORD to note that Senator LONG of Hawaii has been a true, progressive-minded, public servant in the U.S. Senate. He has always carefully watched for the needs of his own State. In addition, he has been a U.S. Senator in the fullest sense of that term. He has always placed foremost the interests of our Nation; and at all times he has carefully guarded the interests and the welfare of his own State. He has brought to the U.S. Senate qualities of humility, decency, sincerity, and integrity which have endeared him to each and every one of us.

I wish him many years of continued good health and happiness. I only hope that his great ability in the public service will be utilized in some other area of our Government, for the welfare of this country.

Mr. MCGEE Mr. President, I desire to be associated entirely with the comments and remarks of the Senator from Minnesota [Mr. HUMPHREY]. I share completely his views in regard to the distinguished Senator from Hawaii [Mr. LONG].

Mr. PROXMIRE. Mr. President, will the Senator from Wyoming yield?

Mr. MCGEE. I am glad to yield.

Mr. PROXMIRE. Mr. President, I, too, wish to add my tribute to those which already have been paid to the distinguished Senator from Hawaii [Mr. LONG]. Senator LONG is a gentle, humble, and reverent man. He is devoted to the cause of education. He has a deep and strong feeling for its vital importance. I know he has spent most of his life in educational work. He has been a very fine teacher. During his service in the Senate, he has distinguished himself by his outstanding humility and sincerity and the great depth of his devotion to humanitarian causes and service, particularly in the field of education. He will be missed by this body.

Mr. SMITH of Massachusetts. Mr. President, I join Senators today in paying tribute to the distinguished junior Senator from Hawaii [Mr. LONG], who is leaving this body. For the past 2 years we have sat in the Senate side by side. It seems strange that we should be the only two Senators on this side of the aisle who are voluntarily leaving the Senate this year. I do not know whose idea it was first.

I have enjoyed serving with Senator LONG both here on the floor of the Senate and in committee. We have worked together on various projects. I have always found Senator LONG to be one of the most dedicated men in this body. I am sure that he can look back on many years of great service to his State of Hawaii, both as Governor and more recently as Senator. I am sure that if the people of Hawaii follow the great tradition that they have established by sending great men such as Senator LONG to the Senate, they will have great success.

I desire to acknowledge with most sincere thanks the many kind remarks that have been made about me and my work in the Senate, both yesterday and today.

It has been a great privilege to serve here with my colleagues. It has been an even greater privilege to have played a part in the 87th Congress. I believe the 87th Congress will go down in history as one that has accomplished a great deal. It will be remembered as the Congress in which was started a new view of the problems of the world under the leadership of our President, John F. Kennedy.

I know that in the years ahead I shall look back on my experience, and it will always be a source of great satisfaction to me to know that I have served with Senators during this important era of our country's history.

I could say many pleasant things about many of my colleagues, as they have said them about me. I mention only one—our distinguished majority leader, MIKE MANSFIELD, who to me exemplifies the very finest traditions of the Senate.

Senator MANSFIELD has shown the greatest devotion to his duty. He has

demonstrated his sincerity and his dedication to the great principles of our country and all that America stands for. With men like MIKE MANSFIELD and other Senators our country can look to the future with great confidence.

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

Mr. SMITH of Massachusetts. I am happy to yield to the distinguished Senator from Wyoming.

Mr. McGEE. Earlier today, because of my attendance at a conference on the foreign aid bill, I was not at liberty to have my say about each of the retiring Senators—Senator SMITH of Massachusetts and Senator LONG of Hawaii. However, I shall not repeat the remarks that I made at a later point when neither one of those Senators was able to be present in the Chamber. As I speak now in their presence, I only want them to know that I shall treasure my association with them, and look forward to continuing my associations with them in whatever their pursuits may be.

I hold no one in this body in higher esteem than the two gentlemen who are about to step down from the Senate.

Mr. LONG of Hawaii. Mr. President, I can assure all of my colleagues in the Senate that I deeply appreciate all the kind and generous things that have been said about me this afternoon and earlier in the day. I particularly appreciate the tribute, because I know how sincere it is, from my colleague, the senior Senator from Hawaii [Mr. FONG].

In common with all the other boys of my generation I was faced by the question of what trade or calling or profession I would follow. Due to personal choice in part and due to circumstances also, I became a teacher. I became a teacher partly because of an address I heard a brilliant superintendent from Atlanta, Ga., make. He was talking about young people selecting their life's work. He told about his experience. He said that he had thought about becoming a lawyer, that he had though about becoming an engineer, and that he had thought about becoming a dentist or a doctor. Then, finally, he decided that he wanted to have a part in all of these wonderful professions, and so he became a teacher. In the boys and in the girls who went through the schools where he served he realized all of these ambitions.

As I sat here this afternoon and listened to HIRAM, I recall that I was the first deputy superintendent of schools in charge of secondary education when HIRAM FONG was graduated with honors from McKinley High School; and that at a later period I was superintendent of schools and signed the diploma of DANIEL KEN INOUYE, who is Hawaii's first Representative in the House of Representatives.

To me, that brings great satisfaction. After all, we do not live apart, and our influence is felt in the lives of those with whom we have been privileged to work.

I have been very fortunate in many ways. I feel I have been fortunate in that I have had the privilege of living in three States. Every one of the 50 States is a wonderful State. I have had the privilege of living in the State of Kansas. I have had the privilege of living for a number of years in the State of Tennessee. I have had the privilege of living for almost 16 years in the newest State, the Aloha State. Now, due to circumstances, I have had the privilege of representing one of these States in the Senate. Let me say at this point that I can pay many tributes to this body, and I can join any Member of the Senate, the most eloquent and capable, in the deepest feelings that he may utter in tribute to the Senate. However, I have one tribute that I can pay to the Senate of the United States.

I am not speaking lightly and I am not speaking out of great devotion to what was for many years the Territory of Hawaii and now is the State of Hawaii. That tribute is this. This body had the courage to adventure, to believe in people who in many ways are different. Most of all, it took courage and imagination to make of a little piece of land, 2,200 miles out in the world's greatest ocean, that little Territory of Hawaii, the 50th State of this Union.

Hawaii will never be a great State from the standpoint of wealth, although it is a very prosperous American community. If it makes a contribution that is important and significant, and one that is needed at this period in the world's history, it will be in the kind of people that it has developed and is still developing, particularly in relation to one quality that this world needs more than any other, and that is the quality of understanding and appreciation and capacity to accept any man or woman regardless of name or complexion or background.

I take great pride in Hawaii in that respect. Because of that, it has been a great privilege to me to serve in the U.S. Senate.

I have been most fortunate in my seatmates—TOM DODD, on my right, and BEN SMITH, on my left. I have been most fortunate in the chairman of committees on which I have been privileged to serve. Now, as I come to the end of my brief period of service, I am most fortunate in the feeling of "aloha" which I have for all Members of the Senate.

Mark Twain once referred to Hawaii as the "loveliest fleet of islands that lie at anchor in any ocean." We hope to keep Hawaii a lovely place. When I leave and really retire—this will be the third time I have retired—when I go back to that fairest fleet of islands, one of the things to which I will look forward to is the privilege of being either at the airport or down at the wharf to greet Members of this body who have the privilege of going that way.

Aloha nui loa.

TRIBUTE TO SENATOR ROBERT S. KERR, OF OKLAHOMA

Mr. MANSFIELD. Mr. President, there has been a great deal of newspaper comment during this session about the brilliance, the persuasiveness, and the effectiveness of the senior Senator from Oklahoma [Mr. KERR]. No one, I think, would quarrel with those adjectives as applied to the distinguished Senator.

As the ranking Democratic member on both the Committee on Finance and the Committee on Public Works, as a member of the Democratic policy committee, as the Senator in charge of a number of extremely important and complicated bills, and also as chairman of the Committee on Aeronautical and Space Sciences, he has performed with brilliance, persuasiveness, and great effect.

One other aspect of the Senator's service, however, perhaps has received too little comment. That is it, very great range—testifying to the capacity of the Senator from Oklahoma for long, painstaking, hard work. His record in that regard equals or exceeds that of any other Member who has served here since I entered this body. In other words, he does his homework, and when he speaks on a bill he knows whereof he speaks.

I should like to insert in the RECORD at this point a list of the measures the Senator has either managed or assisted in having passed through the Senate this year. I believe that this impressive list ought to be stated.

The distinguished Senator from Oklahoma [Mr. KERR] managed H.R. 10606, the Public Welfare Amendments of 1962; H.R. 10650, the Revenue Act of 1962; H.R. 11737, the NASA space authorization bill; S. 2965, the Public Works Acceleration Act; S. 3773, the Flood Control Act of 1962, omnibus rivers and harbors bill; and H.R. 8874, the Du Pont stock divestiture bill.

The Senator assisted very ably with H.R. 10607, the tariff classification bill; H.R. 12154, the sugar extension bill; H.R. 11970, the Trade Expansion Act of 1962; H.R. 11040, the communications satellite bill; and H.R. 12135, the highway bill.

The Senator from Oklahoma has served as a conferee on the sugar extension bill, the Federal Aid Highway Act of 1962, the Flood Control Act of 1962, the Trade Expansion Act of 1962, the Revenue Act of 1962, the national service life insurance reopener bill, the public welfare amendments of 1962, the NASA space authorization bill, the communications satellite bill, the fiscal year 1963 appropriation bill for public works, and the independent offices appropriation bill in respect to the NASA appropriations.

Mr. President, this was all I could find. It is a very impressive list, but I feel in my own mind that even with this list I have not encompassed all the activities of the distinguished Senator from Oklahoma on the floor of the Senate this year. He has made many worthy contributions. He has been a great and devoted Senator. I think what he has done this year should be given full recognition, and I heartily commend him for his many activities and for the many contributions he has made.

The State of Oklahoma and the Nation have real reasons to be proud of this Senator of the United States.

YUGOSLAV REFUGEE PROBLEM SUBMITTED BY NCWC AND INTERNATIONAL RESCUE COMMITTEE

Mr. DODD. Mr. President, a few days ago we were engaged in a discussion con-

cerning the advisability of continued aid to Yugoslavia and Poland. There is one point which, perhaps, should have been made in the course of this discussion which unfortunately was not made. I refer to the fact that, since the mass exodus from Hungary in the closing months of 1956, Yugoslavia has been the chief refugee-producing country in Europe.

Because of the tendency to regard Yugoslavia as a different and more benign kind of communism, as a kind of communism that stands somewhere between Soviet communism and Western democracy, there has been a parallel tendency to regard the Yugoslav refugees not as refugees from political tyranny but simply as economic migrants seeking better job opportunities in other countries.

In consequence, the Yugoslav refugees have been subjected to infinitely more rigid screening than have refugees emerging from Poland and Czechoslovakia and other Iron Curtain countries. It is estimated that approximately half of them are returned to Yugoslavia against their will, while many more are denied the special protection and privileges that are accorded to those escapees who qualify for recognition as political refugees by the United Nations High Commissioner for Refugees.

It has unfortunately also had the effect of relegating them to the bottom of the totem pole as far as assistance from the U.S. escapee program is concerned.

It is my hope, Mr. President, that this injustice will be eliminated and that refugees from Tito's Yugoslavia will in the future be accorded the same consideration and treatment as refugees from other Communist countries.

From discussions with many people who have had firsthand contact with the problem, I am convinced that the men and women who escape from Yugoslavia do so for the same combination of motives that impell the escape of refugees from other Communist governments. They are motivated in part by economic hardship—but even this economic hardship is a peculiar feature of Communist oppression. They are motivated, too, in most cases by the persecution of religion and by the total lack of personal freedom.

Milovan Djilas in "The New Class" was emphatically of the opinion that even the modified Communist regime that existed at the time the book was written weighed oppressively on the shoulders of the entire people.

The totalitarian tyranny and control of the new class, which came into being during the revolution—

Said Djilas—

has become the yoke from under which the blood and sweat of all members of society flow. * * * The limitations of freedom of thought is not only an attack on specific political and social rights but an attack on the human being as such.

Since then, of course, Djilas has been in prison and the limited freedom of expression which existed for some time after the break with Stalin has come to an end.

Mr. President, I ask unanimous consent to enter into the RECORD at this point a statement on the plight of refugees fleeing from Yugoslavia, signed jointly by Edward E. Swanstrom, Titular Bishop of Arba and executive director of the National Catholic Welfare Conference, and William vanden Heuvel, president of the International Rescue Committee.

The National Catholic Welfare Conference needs no introduction. I think that all of us are acquainted with its work as one of the three great religious agencies operating in the field of foreign relief. The International Rescue Committee commands recognition as the foremost of the nonsectarian agencies in the refugee field. I believe that the combined opinion of these two organizations, with their wealth of experience in working with refugees, commends itself to our most earnest attention.

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

THE PLIGHT OF REFUGEES FLEEING FROM YUGOSLAVIA

Prior to the erection of the Berlin wall, East Germany was not the only refugee-producing Communist country in Europe. Mass flights occurred from other areas, such as Hungary in 1956, and year after year about 10,000 Yugoslav refugees have fled that country. Yet how many Americans know that a large segment of the Yugoslavs have not been able to obtain asylum in the West and that many have been forcibly returned to Yugoslavia?

It almost appears that it required a wall and the merciless terror of the Communist police at the wall to create concern for today's refugees and to have them accepted for what they are: victims of totalitarian oppression who flee from pervasive political, spiritual, and economic devastations which they correctly identify with the Communist system.

It is the same type of refugee who is seeking freedom, whether he comes from East Germany, Hungary, or Yugoslavia. Most are young, some are very young. Although they may not be able to articulate the reason which makes them come, it is invariably a desire to escape the police state, its totalitarian control as well as its economic deprivation. A man's yearning for freedom and human dignity is quite compatible with his hope of economic betterment.

Mass flights are always an expression of disaffection and opposition, the final protest where other protests are made impossible by political terror. Where people have no other vote, they are forced to vote with their feet. Our answer to the refugee problem is an index of the political imagination and the moral temper of the West. The ambivalent attitude of the West toward Communist Yugoslavia has resulted in an ambivalent attitude toward Yugoslav refugees. Nothing can strengthen a totalitarian power so successfully as the feeling of resignation and apathy among its subjects. When we challenge the refugees' motivations, we appear unable to grasp why people would be fleeing and we seem to be turning our backs on them. When we acquiesce in the forcible return of escapees, we contribute to the feeling of hopelessness and thereby weaken the democratic cause within Yugoslavia—and without.

The age and the social background of most of the Yugoslav refugees, predominantly working class with a good mixture of peasant youth, instead of being interpreted as a symptom of the failure of the Yugoslav Government to gain the allegiance of the strata in whose name it purports to rule, have been adduced as proof of the economic character of the refugees' escape motivations. The refugees' opposition to communism is being impugned because they are poor. And because, when asked what they intend to do, they express a desire to work and to earn decent wages, it is adduced that they are not victims of Communist oppression and have not suffered from the absence of personal, political, and religious freedom. It is as if the economic hardships to which they were exposed were not manmade, the result of Communist misplanning. And it is as if a desire to work and to earn a decent living were in itself improper and shameful, an attitude which calls for the label "economic refugee," that is one who does not deserve our sympathy and can be returned behind the curtain without qualms. When misgivings do arise, they are dismissed, sometimes smugly and sometimes uneasily. The kind of repression rather than the repression itself is considered, and no attention is paid to the possibility of later retribution and the certainty that people who express their dissatisfaction with the regime by trying to escape from it will remain marked as enemies of the state. It is forgotten that the very act of escape makes a man an enemy of the state.

Everyone knows that in Communist countries, the economy is a phase of politics. In those countries where people are not free to choose their own political creed, they are not free to make their own way in the social and economic field. Freedom of initiative is either nonexistent or is permitted on a minimum scale. Savings are meaningless because sooner or later the state swallows everything. Plans for the future are better left unmade. Everyone knows what civic and family life has been reduced to. Now, with all this, when someone escapes from such distressing conditions can he really be considered an economic refugee?

Even those few Yugoslavs who are granted asylum are frequently put in a lower category than refugees from other Communist countries by the U.S. escapee program. Thus Yugoslavs either do not qualify as refugees or they are treated as second-class refugees.

Is physical persecution necessarily physical torture? The loss of freedom, political pressure and its inevitable consequence—economic misery—are also persecution; veiled persecution, daily persecution, persecution which these young people feel deeply, although they are often unable to give expression to their feelings, for lack of education, or difficulty in choosing the right words.

And when they come before the so-called screening commissions in the West, having crossed their Rubicon, although they have, for very valid reasons, chosen to be, as it were, "without family, without country, and without means," the only thing they find to say is "We came away to be free and to find work." Then we say, the West, replies: "They are young, they ran away from their parents; discipline; they are, as you can see, economic refugees."

Should we not give the matter a little more thought? There are many who are discontented with their jobs or unemployed. Do you think that they would, even with a passport, i.e., without any risk to themselves, leave Belgium, for example, leave it forever, abandoning their families, their possessions, for the unknown?

The repression of freedom of religion and other fundamental human rights in Yugoslavia differs hardly even in degree from that practiced in the U.S.S.R. itself. A further contention is that by permitting Yugoslav refugees to stay in Western Europe or by accepting them for immigration in the Western Hemisphere we are alleviating Communist Yugoslavia's economic problems and underemployment. If this were true, Tito could have done better by negotiating labor agreements with other European countries which have manpower shortages. The 10,000 refugees from Yugoslavia annually do not alter the employment picture inside Yugoslavia to any appreciable degree. Even if

it were the policy of the West to aggravate the economic difficulties of Yugoslavia, as it clearly has not been, these goals should not be pursued at the expense of the refugees, the victims of Tito's brand of communism.

The subtle campaign of the Yugoslav authorities to popularize the term "economic" refugee has been more than successful. It has carried over into the language of the United Nations High Commissioner for Refugees and that of certain officials of the U.S. Government. It has influenced the policy of countries which formerly granted asylum to these refugees to the point where substantial numbers of them are now being repatriated instead of welcomed. It has created a situation where Italy permits most of those fleeing to remain on its soil, but Austria, using U.S. equivocal policies as an excuse, forcibly returns the majority of the Yugoslav refugees. It has resulted in drastic reductions in U.S. aid to refugees from Yugoslavia. It has resulted in resentment by true democratic people from Yugoslavia who see U.S. aid helping to build a strong Communist state, but refusing to help those anti-Communist elements that escape its oppression. It has caused confusion among the Americans because policymakers fail to understand that the basic philosophy of the Communist state is the same, whether that of the Soviet Union, China, or Yugoslavia.

American policy today leaves refugees bewildered by its policy of being selective about the kind of communism and oppression from which a person must flee in order to benefit from the help of the American people.

At a time when we are granting asylum to thousands of refugees from Castro's communism, which, supported by Soviet communism, is threatening the Western Hemisphere, should the United States not take a forthright stand and give full recognition to the refugees fleeing Yugoslavia, which is today linked again with the Soviet in its conspiracy to have communism dominate the world?

EDWARD E. SWANSTROM,
Titular Bishop of Arba, Executive Director, National Catholic Welfare Conference.

WILLIAM VANDEN HEUVEL,
President, International Rescue Committee.

FACILITATION OF WORK OF THE FOREST SERVICE

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1760, Senate bill 3235.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3235) to facilitate the work of the Forest Service, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. JOHNSTON. Mr. President, to expedite matters, I ask unanimous consent that the Committee on Agriculture and Forestry be discharged from the further consideration of H.R. 12434 and that it be taken up, substituted for the Senate bill, and passed.

The PRESIDING OFFICER. The House bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 12434) to facilitate the work of the Forest Service, and for other purposes.

The PRESIDING OFFICER. Without objection, the Committee on Agriculture and Forestry is discharged from the further consideration of the bill.

Is there objection to the present consideration of the House bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 12434) was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3235 will be indefinitely postponed.

VOLUNTARY NONDENOMINATIONAL PRAYERS IN PUBLIC SCHOOLS

Mr. TALMADGE. Mr. President, the September issue of the American Bar Association Journal features an excellent article which convincingly places the recent Supreme Court edict banning the voluntary saying of nondenominational prayers in the public schools of New York in its true legal and historical perspective.

Written by Hon. Gerald Kirven of the Louisville, Ky., bar, this presentation entitled "Freedom of Religion or Freedom from Religion?" thoroughly documents the conclusion that "freedom of religion does not compel the entire denial to public school children of the influence of religion in their schools." It makes the irrefutable point that the Government "is not neutral in the matter of religion when, at the instance of one already adequately protected from compulsion, it lends its power to the suppression of religion and thereby champions the cause of freedom from religion."

This article should be read by every American who values his heritage of freedom of religion. I ask unanimous consent that the text of the article be printed in the body of the RECORD.

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

[From the American Bar Association Journal, Sept. 1962]

FREEDOM OF RELIGION OR FREEDOM FROM RELIGION?

(The controversial decision of the Supreme Court in banning the New York regents' prayer has led Mr. Kirven to ask whether an overzealous regard for the rights of a minority may have resulted in a distortion of the 1st amendment. The result of such decisions may be the identification of the power of Government with "anti-religion," he concludes.)

(By Gerald Kirven of the Kentucky Bar (Louisville))

"The defendants (school principals) are perpetually enjoined and restrained from reading and causing to be read, or permitting anyone subject to their control and direction to read, to students in the Abington Senior High School * * * any work or book known as the Holy Bible."

This stark prohibition of the reading of the Bible in school is directly quoted from a decree of the U.S. District Court for the Eastern District of Pennsylvania entered on February 1, 1962, in *Schempp, et al.* v. *School District of Abington Township, Pennsylvania, et al.*, (201 F. Supp. 815, 820).

The ground of the foregoing decree was that the Pennsylvania statute which required the reading of 10 verses from the Bible at the opening of school was an unconstitutional establishment of religion as forbidden by the 1st amendment to the U.S. Constitution made applicable to the Commonwealth of Pennsylvania by the 14th amendment. This was true, the court held, notwithstanding the provision of the law which allows any pupil to be excused from the Bible reading upon written request of his parent or guardian.

Without respect to the merits of the decision in the Schempp case, the decision is provocative of inquiry into the question of whether the doctrine of freedom of religion in this country is becoming a concept of freedom from religion.

AMERICA, A RELIGIOUS NATION

The first amendment to the Constitution, speaking of religion, says: "Congress shall make no law * * * prohibiting the free exercise thereof."

This is a religious Nation. The Supreme Court of the United States said so in 1892, speaking through Mr. Justice Brewer in *Church of the Holy Trinity* v. *United States*, (143 U.S. 457).

The Holy Trinity Church case involved the question of whether an act of Congress which forbade the importation of alien laborers into the United States prohibited Holy Trinity Church from hiring an English priest to be rector of the church. The Court considered the title of the act, the evil which was intended to be remedied, the circumstances surrounding the appeal to Congress and the reports of the committee of each House in concluding that "the intent of Congress was simply to stay the influx of this cheap unskilled labor."

"But beyond all these matters no purpose of action against religion can be imputed in any legislation, State or national, because this is a religious people. This is historically true. From the discovery of this continent to the present hour, there is a single voice making this affirmation. * * * (Quotations from the commission to Christopher Columbus, colonial grant to Sir Walter Raleigh, Mayflower Compact, fundamental orders of Connecticut, William Penn's charter, Declaration of Independence, constitutions of various States, language of the first amendment to the Constitution of the United States and art. 1, sec. 7).

"There is no dissonance in these declarations. There is a universal language pervading them all, having one meaning; they affirm and reaffirm that this is a religious nation. These are not individual sayings, declarations of private persons; they are organic utterances; they speak the voice of the entire people. (Citing cases where the courts have recognized the existence of the Christian religion in this country).

"If we pass beyond these matters to a view of American life as expressed by its laws, its business, its customs and its society, we find everywhere a clear recognition of the same truth. Among other matters note the following: The form of oath universally prevailing, concluding with an appeal to the Almighty; the custom of opening sessions of all deliberative bodies and most conventions with prayer; the prefatory words of all wills, 'In the name of God, amen'; the laws respecting the observance of the Sabbath, with the general cessation of all secular business, and the closing of courts, legislatures, and other similar public assemblies on that day; the churches and church organizations which abound in every city, town, and hamlet; the multitude of charitable organizations existing everywhere under Christian auspices; the gigantic missionary associations, with general support, and aiming to establish Christian missions in every quarter of the globe. These, and many other matters which might be noticed, add a volume of un-

official declarations to the mass of organic utterances that this is a Christian nation. In the face of all these, shall it be believed that a Congress of the United States intended to make it a misdemeanor for a church of this country to contract for the services of a Christian minister residing in another nation?"

Much more recently, in 1952, speaking through Mr. Justice Douglas in *Zorach* v. *Clauson*, (343 U.S. 306, 313), the Supreme Court repeated the same sentiments, saying:

"We are a religious people whose institutions presuppose a Supreme Being."

In a religious nation, religious influence is to be found in many places, including the public schools. Mr. Justice Brewer in the Holy Trinity case, supra, mentioned many of these evidences of religion, and Mr. Justice Douglas in the Zorach case referred to: "* * * [P]rayers in our legislative halls; the appeals to the Almighty in the messages of the Chief Executive; the proclamation making Thanksgiving Day a holiday; 'So help me God' in our courtroom oaths—these and * * * other references to the Almighty * * * run through our laws, our public rituals, our ceremonies * * * the supplication with with which the Court opens each session: 'God save the United States and this Honorable Court'."

To the list may be added tax exemption of churches, chaplaincies in the Armed Forces, the "Pray for Peace" postmark, the widespread observance of Christmas holidays, and, in classrooms, singing the fourth stanza of "America" which is a prayer invoking the protection of God, and the words "in God is our trust" as found in the National Anthem, and the reciting of the Pledge of Allegiance to the Flag, modified by an act of Congress of June 14, 1954, to include the words "under God."

THE FIRST AMENDMENT AND THE REGENTS' PRAYER

That the first amendment does not prohibit public school children from joining together in acts of reverence to God was decided by the Court of Appeals of New York in *Engel, et al.* v. *Vitale, et al.* (10 N.Y. 2d 174, 176 N.E. 2d 579 (1961)).

That case involved the constitutionality of a recommendation of the board of regents, governing body of the New York public school system, that "At the commencement of each school day, the act of allegiance to the flag may well be joined by this act of reverence to God: 'Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country'."

Speaking through Chief Judge Desmond, the court upheld use of the regents' prayer, saying:

"* * * But it is not 'religious education' nor is it the practice of or establishment of religion in any reasonable meaning of those phrases. Saying this simple prayer may be, according to the broadest possible dictionary definition, an act of 'religion', but when the Founding Fathers prohibited an 'establishment of religion' they were referring to official adoption of, or favor to, one or more sects. They could not have meant to prohibit mere professions of belief in God for, if that were so, they themselves in many ways were violating their rule when and after they adopted it. Not only is this prayer not a violation of the first amendment (no decision of this or of the U.S. Supreme Court says or suggests that it is) but a holding that it is such a violation would be in defiance of all American history, and such a holding would destroy a part of the essential foundation of the American governmental structure.

"The 'Regents' prayer' is an acknowledgment of our dependence upon Almighty God and a petition for the bestowal of His blessings. * * * No historical fact is so easy to prove by literally countless illustrations as the fact that belief and trust in a Supreme Being was from the beginning and has been continuously part of the very essence of the American plan of government and society. * * * (Citing illustrations.) * * * As Justice Beldock of the Appellate Division wrote in this case: 'The contention that acknowledgements of and references to Almighty God are acceptable and desirable in all other phases of our public life but not in our public schools is, in my judgment, an attempt to stretch far beyond its breaking point the principle of separation of church and state and to obscure one's vision to the universally accepted tradition that ours is a Nation founded and nurtured upon belief in God.' (11 A.D. 2d 340, 206 N.Y.S. 2d 188.)

"The 'universally accepted tradition' referred to by Justice Beldock has been maintained without break from the days of the Founding Fathers, all of whom believed in the existence of God (see Cousins, In God We Trust), to the day of the inauguration of President Kennedy. It is indisputable and historically provable fact that belief and trust in a Creator has always been regarded as an integral and inseparable part of the fabric of our fundamental institutions. It is not a matter of majority power or minority protection. Belief in a Supreme Being is as essential and permanent a feature of the American governmental system as is freedom of worship, equality under the law and due process of law. Like them it is an American absolute, an application of the natural law beliefs on which the Republic was founded and which in turn presuppose an Omnipotent Being (176 N.E. 2d at 581–582)."

On December 4, 1961, in 368 U.S. 924, the U.S. Supreme Court granted a writ of certiorari to the Court of Appeals of New York to review its decision in *Engel* v. *Vitale*. On June 25, 1962, the Supreme Court rendered its decision on the merits reversing the New York Court of Appeals. Mr. Justice Black, speaking for the Court, said:

"We think that by using its public school system to encourage recitation of the regents' prayer, the State of New York has adopted a practice wholly inconsistent with the establishment clause. There can, of course, be no doubt that New York's program of daily classroom invocation of God's blessings as prescribed in the regents' prayer is a religious activity.

"* * * [W]e think that the constitutional prohibition against laws respecting an establishment of religion must at least mean that in this country it is no part of the business of government to compose official prayers for any group of American people to recite as a part of a religious program carried on by government."

Mr. Justice Stewart, dissenting, said:

"* * * With all respect, I think the Court has misapplied a great constitutional principle. I cannot see how an 'official religion' is established by letting those who want to say a prayer say it. On the contrary, I think 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."

MINORITY RIGHTS

But the majority has no right to force religion upon those who do not wish it, hence the importance of scrupulous preservation of the right of the minority to exemption from exposure to religious influence which they do not desire. In the Schempp case, supra, the Court declined to consider the fact that children might be excused from Bible reading because "there is religious establishment in this case whether pupils are or are not excused from attendance at the morning exercises." (201 F. Supp. at 818.)

Dissenting in *Everson* v. *Board of Education* (33 U.S. 1 (1947)) (which sustained the constitutionality of transportation of parochial school pupils at public expense), Mr. Justice Jackson voiced the opinion that religion has no place at all in public school, saying:

"* * * It (public school) is organized on the premise that secular education can be isolated from all religious teaching so that the school can inculcate all needed temporal knowledge and also maintain a strict and lofty neutrality as to religion (330 U.S. at 23–24)."

Also dissenting in the same case, Mr. Justice Rutledge was of the view that:

"* * * The prohibition (of the first amendment) broadly forbids state support, financial or other, of religion in any guise, form or degree."

In a separate opinion concurring in the June 25, 1962, Supreme Court decision in *Engel* v. *Vitale*, Mr. Justice Douglas said:

"* * * The point for decision is whether the Government can constitutionally finance a religious exercise. Our system at the Federal and State levels is presently honeycombed with such financing. (Citing in a footnote chaplains in both Houses of Congress, religious services in service academies, Federal hospitals and prisons, tax exemptions of religious organizations, etc.) Nevertheless, I think it is an unconstitutional undertaking whatever form it takes."

FREEDOM FROM RELIGION

These views sound the cry of freedom from religion.

On the other hand, the Zorach case, supra, which tested the New York released time program (which permits public schools to excuse students during the school day to go to religious centers for religious instruction or devotional exercises), involved no compulsion. The Court accordingly held the program constitutional.

Dissenting in *Zorach*, 343 U.S. at 325, Mr. Justice Jackson warned:

"The day this country ceases to be free for irreligion it will cease to be free for religion—except for the sect that can win political power. * * * We start down a rough road when we begin to mix compulsory public education with compulsory godliness."

In the *Engel* case, 176 N.E. 2d at 581, the lower court said that the school board order requiring use of the regents' prayer "contains adequate provisions to insure that no pupil need take part in or be present during the act of reverence, so any question of 'compulsion' or 'free exercise' is out of the case."

It therefore follows that, so long as the minority is free to avoid religious influence in the public schools, the minority should not be able to invoke successfully the power of government to suppress religious influence in public schools.

It appears that in the Schempp case, a single parent was able to knock out the Bible reading in spite of the provision that his children might be excused from the ceremonies if he so requested in writing. Mr. Schempp testified that he had decided that he should not have his children excused from the ceremonies. He said that he thought his children would be "labeled as 'odd balls'" before their teachers and classmates; that the classmates were likely "to lump all particular religious difference(s) or religious objections (together) as 'atheism'" and that today the word "atheism" has "very bad" connotations as "un-American" with overtones of possible immorality. He also testified that if his children were excused from Bible reading they would have to stand in the hall outside their "homeroom" and that this carried with it the imputation of punishment for bad conduct.

As was to be expected, considerable local and national publicity grew out of the Schempp case which was filed on February 14, 1958, has gone once already to the U.S. Supreme Court, and may be still further

litigated. One may wonder how the excitement of all these law suits and attendant public notice compares in effect upon Mr. Schempp's children with the consequences which he said would have resulted from his having written a note for them to be excused. In any event, the father and children have been willing to go through extended litigation, the effect of which to date is to stop the Bible reading completely.

DISTORTION OF THE FIRST AMENDMENT

With relation to attacks upon religion in school, Judge Burke, concurring with the majority in the Engel case, spoke of what he called inadvertent distortion of the first amendment. Referring to the dissenting opinion, he said that it:

"* * * reads into the amendment an attempt to compel conformity in the field of education—in other words, a 'compulsory unification of opinion' in all school boards to totally reject any religious element in education and banish it from the schools. This, of course, would force on the children a culture that is founded upon secularist dogma.

"This interpretation rests on a misunderstanding. * * * According to the opinion, the separation of church and state which was intended to encourage religious interests among our people would become the constitutional basis for the compulsory exclusion of any religious element and the consequent promotion and advancement of atheism. It is not mere neutrality to prevent voluntary prayer to a Creator; it is an interference by the courts, contrary to the plain language of the Constitution, on the side of those who oppose religion. (176 N.E. 2d at 583.)"

The price of nonconformity in a religious society, if the United States indeed be a religious society, may be to endure in schools and in society at least identification as nonconformist. The alternative could be minority imposition of abolition of religious influence in schools and perhaps ultimately in society at large.

In a case not yet reported, *Chamberlin* v. *The Dade County Board of Public Instructions, et al.*, decided by the Florida Supreme Court of June 6, 1962, upholding daily Bible readings in Dade County schools, the court said that to deny the vast majority of pupils the right to hear the Bible read "because a minority might suffer some imagined and nebulous confusion, is to approach the ridiculous." Judge Caldwell, writing for the court, said that those bringing the suit had made no serious contention that their children "have suffered or will suffer any measurable psychological trauma as a consequence of the reading of the Bible, either in or out of their presence."

Provision was made in Dade County for those not wanting to hear the Bible readings to be excused.

The court said that the suit appeared to be "just another case in which the tender sensibilities of certain minorities are sought to be protected against the allegedly harsh laws and customs enacted and established by the more rugged pioneers of the Nation."

When the Congress in 1954 amended the "Pledge of Allegiance" to include the words "under God", the House report accompanying the bill (No. 1693, May 28, 1954) included these words:

"At this moment of our history the principles underlying our American Government and the American way of life are under attack by a system whose philosophy is at direct odds with our own. Our American Government is founded on the concept of the individuality and the dignity of the human being. Underlying this concept is the belief that the human person is important because he was created by God and endowed by Him with certain inalienable rights which no civil authority may usurp. The inclusion of God in our pledge therefore would further acknowledge the dependence of our people and our Government upon the moral directions of the Creator. At the same time it would serve to deny the atheistic and materialistic concepts of communism with its attendant subservience of the individual."

When *Zorach* v. *Clauson* was in the New York Court of Appeals, Judge Desmond, concurring, said:

"One of the curiosities of history is the enlarged and distorted meaning currently being given, by some, to the simple phrase of the first amendment: 'an establishment of religion.' (100 N.E. 2d at 472.)"

Cooley, "Principles of Constitutional Law" (2d ed. 1891), 213–214, said that the foregoing phrase "meant the setting up or recognition of a state church, or at least the conferring upon one church of special favors and advantages which are denied to others. It was never intended by the Constitution that the Government should be prohibited from recognizing religion."

GOVERNMENT AND ANTIRELIGION

In *Doremus* v. *Board of Education* (5 N.J. 435, 75 A. 2d 880 (1950)), an action unsuccessfully challenging Old Testament reading in school, the New Jersey Supreme Court said:

"While it is necessary that there be a separation between church and state, it is not necessary that the state should be stripped of religious sentiment. It may be a tragic experience for this country and for its conception of life, liberty and the pursuit of happiness if our people lose their religious feeling and are left to live their lives without faith. * * * Our way of life is on challenge. Organized atheistic society is making a determined drive for supremacy by conquest as well as by infiltration. Recent history has demonstrated that when such a totalitarian power comes into control it exercises a ruthless supremacy over men and ideas, and over such remnants of religious worship as it permits to exist. We are at a crucial hour in which it may behoove our people to conserve all of the elements which have made our land what it is. (75 A. 2d at 888.)"

While our courts must always intercede to prevent infringements upon freedom of religion, the courts should guard against decisions which will identify the power of government with antireligion. Freedom of religion does not compel the entire denial to public school children of the influence of religion in their schools. The Government is not neutral in the matter of religion when, at the instance of one already adequately protected from compulsion, it lends its power to the suppression of religion and thereby champions the cause of freedom from religion.

Gerald Kirven is a partner in a Louisville, Kentucky, law firm. He was elected to Phi Beta Kappa at the University of Virginia where he received his A.B. in 1944. In 1948 he was graduated from the University of Louisville Law School. Mr. Kirven is a member of the Bars of Kentucky and California.

OPPOSITION TO COMMUNISM—CUBAN GOVERNMENT-IN-EXILE

Mr. DOUGLAS. Mr. President, on Sunday, there was published in the New York Herald Tribune a letter from three eminent and respected Americans: Marx Lewis, Charles Wesley Lowry, and John O. Weaver. In the letter they outlined a program for American action in relation to Cuba.

I think their recommendations should be very carefully studied. I agree as to some of them; I am dubious as to others. But I believe they should be very carefully examined.

I welcome the decision of the administration, as of yesterday, to tighten the embargo on Cuba and to impose what may be termed a secondary boycott against Cuba—namely, the application of economic pressures to countries which continue in one form or another to trade with Cuba. I am also very glad that the complete embargo has extended to American-owned ships under foreign flags, as well as to American-owned ships under the American flag.

I believe we should be extremely careful about talking about an armed invasion of Cuba, because the effect might well be to range all of Latin America against us and pin down our resources, thus making it easier for Khrushchev to move against us in Berlin.

I believe that one of the suggestions these gentlemen have made deserves to be very carefully considered; and, personally, I find myself in sympathy with it—namely, that we should recognize, either here or in some Central American country, a Cuban Government-in-exile. Such a government, if broadly based and if from it virtually all representatives of the Batista government were excluded, would, I believe, help us to furnish a rallying point around which dissenting opinion could gather.

I have not read the arguments against the proposed creation of a Cuban Government-in-exile; but after some consideration, I think this suggestion at least commends itself to me; and if in connection with this proposal the volunteers of Latin American origin who are permitted to enter our Armed Forces could be assigned some relationship with such a Cuban Government-in-exile, I believe that would serve as a deterrent to Khrushchev and to Castro, and would have a beneficial effect.

We must prevent the spread of communism. We should seek to undermine Castroism. We wish to do this with the least possible danger of involving ourselves in war or in touching off a world conflagration; but the examples of Jefferson and Madison, in invoking nonintercourse and embargo provisions against the countries of Europe during the Napoleonic wars, may perhaps furnish an initial precedent.

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

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

[From the New York Herald Tribune, Sept. 30, 1962]

WE MUST ACT TO END SOVIET BOLDNESS

To the NEW YORK HERALD TRIBUNE:

We are concerned by the deteriorating position of the United States in hemispheric and world affairs lest the fateful course of events issue in the very climax we seek to avoid; namely, general nuclear war.

The policy of watchful waiting on Castro and Soviet power in Cuba enjoined on the United States by Walter Lippmann in his column of September 18 is a counsel of notable imprudence and danger.

What has the United States been doing the past 3 years, in relation to Cuba, Berlin, and the U.S.S.R. generally, except watch, wait, and talk? This policy has occasionally been punctuated by bursts of action, notably call-

ing up reserves after the Berlin wall, which was temporarily effective, and sponsoring an invasion of Cuba by Cubans, which was wrecked by Hamlet-like irresolution. But basically, we have chosen a course of watchful waiting and incessant "jawing."

This policy has apparently been predicated on a sweeping premise that the grand course of history was veering at long last in the American direction and that the outlook for freedom as the eventual climate of the globe was growing brighter and brighter.

The most substantial thing on the world horizon, we are convinced, is not anything American or pertinent to the march of freedom. It is the extraordinary perseverance of Communist policy and the increase of confidence and boldness on the part of Chairman Khrushchev, despite momentary tribulations in Soviet agriculture and in interstate Communist affairs.

Khrushchev's massive intervention in Cuba, amounting to a tweaking of Uncle Sam's very nose, is the sign and symbol of Khrushchevian confidence. It also represents a long step forward in the development of hard, world offensive policy on the part of the Communists. Fluidity and openness in both tactical and strategic judgments are marks of the Khrushchev mind. This means that the implications of the Cuban gambit are potentially far flung and that their depth and extent will only be revealed even to Khrushchev as events unfold. We can say with certainty (a) that the Soviet dictator is determined to have his way by hook or crook in Berlin, (b) that the possibilities of the shortest route to West Berlin being by way of Havana, are not lost on Khrushchev, (c) that the disarray and confusion over the whole Latin American scene, with the stunning loss of face by the United States, are intriguing in the highest degree to this wily politico-military strategist, and (d) that the United States remains the sheet anchor of freedom in the world and therefore the utimate, decisive target of the continuing Communist offensive.

What is to be done? We reject a simplistic answer, but we do advance a fundamental doctrine: With the Communists and also with the neutrals and with our Latin American friends, actions speak louder than words. It is here that the United States has miscalculated most seriously, in the episode of Castro and indeed in its strategy and tactics as a whole throughout the cold war period. We advocate a program of action along the following lines, emphasizing that for the moment we have worn out the power of words and that only some successes in the sphere of the deed will restore the efficacy of rhetoric even in the declaration of policy.

1. Recognize either here or in a hospitable Central American country a broadly representative Cuban Government-in-exile as the only legitimate government of Cuba, subject to a plebiscite by the Cuban people to take place within 1 year of the overthrow of Fidel Castro.

2. Assist this Cuban Government to establish an All-American Freedom Legion, to include Cubans, Latin Americans of all nationalities, and U.S. citizens who may desire to volunteer.

3. Recognize the right of this Cuban Government to resist through action by sea, air and land the Communist colonization of Cuba.

4. Set up a plan to be implemented by Cubans for dropping food packages and messages of good will and moral encouragement over various parts of Cuba.

5. Inaugurate at once an economic blockade of Cuba, enrolling in it all the shipping and supplying nations that we can influence diplomatically and economically.

6. Plan, including the clear formulation of a legal basis, for a military blockade of Cuba by sea and air. In our judgment, this drastic move will be more effective if the way is prepared psychologically by a display of American resolve through firm actions of the type outlined.

7. Finally recognizing that Cuba is but a symptom of the infection which has its source in Moscow and believing that our basic error is in whetting Khrushchev's appetite through ceaseless efforts to reach "accommodation" or find "common interests," we urge as an indispensable step the establishment of a massive and coordinated economic offensive against the Soviet empire. It should begin with a joint trade crackdown on East Germany, accompanied by a strong psychological and propaganda offensive against Soviet enslavement of this helpless people.

We write, not with a view to criticizing President Kennedy, but to rally Americans of all political persuasions to his support on a feasible action program.

We do remind any skeptics that Cuba, under the very eyes of the most powerful nation on earth, has been made a Russian colony, with a puppet status as abject as that of East Germany. This has been done in the teeth of the Monroe Doctrine, the Rio Treaty, the Bogotá Charter, and the Caracas Declaration. Furthermore, it represents in reverse the exact type of offensive action we have refused to take within the Soviet imperial and "peace" zone, in the cases of Hungary (when an independent government pled for help), Poland and East Germany.

MARX LEWIS,
Former General Secretary-Treasurer, United Hatters, Cap and Millinery Workers International Union.

CHARLES WESLEY LOWRY,
President, Foundation for Religious Action in the Social and Civil Order.

JOHN O. WEAVER,
Colonel, U.S. Army, Retired, Former Chief of Troop Information, U.S. Army.

FACILITATING ENTRY OF ALIEN SKILLED SPECIALISTS AND CERTAIN RELATIVES OF U.S. CITIZENS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 2239, Senate bill 3361. I understand the bill is not controversial, and that its enactment is much needed.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 3361) to facilitate the entry of alien skilled specialists and certain relatives of U.S. citizens, and for other purposes, which had been reported from the Committee on the Judiciary with amendments on page 1, line 6, after the word "than", to strike out "December 31, 1954" and insert "March 31, 1954"; in line 9, after the word "petition", to strike out "approved by" and insert "filed with"; and on page 2, line 10, after the word "petition", to strike out "approved by" and insert "filed with"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien who (1) is registered on a consular waiting list pursuant to section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153) under priority date earlier than March 31, 1954, and (2) is eligible for a quota immigrant status under the provisions of section 203(a)(4) of the said Act (8 U.S.C. 1153) on a basis of a petition filed with the Attorney General prior to January 1, 1962, and the spouse and children of such alien, shall be held to be nonquota immigrants and if otherwise admissible under the provisions of the Immigration and Nationality Act, shall be issued nonquota immigrant visas: *Provided,* That, upon his application for an immigrant visa and for his admission into the United States, the alien is found to have retained his relationship to the petitioner and status as established in the approved petition.

SEC. 2. Any alien eligible for a quota immigrant status under the provisions of section 203(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1153) on the basis of a petition filed with the Attorney General prior to April 1, 1962, shall be held to be a nonquota immigrant and may be issued a nonquota immigrant visa: *Provided,* That, upon his application for an immigrant visa and for admission to the United States or for adjustment of his immigrant status in the United States pursuant to section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) the alien is found to have retained his status as established in the approved petition. This section shall be applicable only to aliens admissible to the United States except for the fact that an immigrant visa is not promptly available for issuance to them because the first 50 percent of the quota of the quota area to which they are chargeable is oversubscribed by beneficiaries of petitions approved by the Attorney General pursuant to sections 203(a)(1) and 204 of the Immigration and Nationality Act (8 U.S.C. 1153, 1154) prior to the date of enactment of this Act.

SEC. 3. Section 204(c) of the Immigration and Nationality Act (8 U.S.C. 1154) is hereby amended by adding the following at the end thereof: "The Attorney General shall forward to the Congress a report on each approved petition for immigrant status under section 203(a)(1) stating the basis for his approval and such facts as were by him deemed to be pertinent in establishing the beneficiary's qualifications for the preferential status and for the petitioner's urgent need for his services. Such reports shall be submitted to the Congress on the first and fifteenth day of each calendar month in which the Congress is in session."

SEC. 4. Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is hereby amended by substituting the date "December 24, 1952;" for the date "June 28, 1940;".

Mr. KEATING. Mr. President, this bill provides a mild measure of much needed relief to two deserving categories of immigrants.

In the first category are sons, daughters, brothers, and sisters of American citizens. Under present law, these are so-called fourth preference aliens, who have been unable to join their relatives in America because of long waiting lists under the restrictive national origins quota. This bill would give nonquota status to those who have been on a fourth preference quota waiting list since before March 31, 1954. This will mean that perhaps 10,000 or more relatives of Americans would be able to come to this country freed of the quota restrictions which now bar their entry.

The second category of aliens affected by the bill is the so-called first preference group consisting of aliens who have unusual skills or qualifications which are expected to contribute significantly to our economic and cultural life. Thousands of these skilled specialists who have been approved for permanent residence in the United States, but who have, again, been barred by oversubscribed

quotas, could be able to enter the country. Still others in this group, who are in the United States on only a temporary or parole basis, could be able to adjust their status to that of permanent residents.

While I am gratified that the Senate Committee on the Judiciary has taken favorable action on the bill, no one should be deceived into thinking that it is anything more than a stopgap measure to alleviate only the worst of the many harsh situations brought about by our present immigration laws.

I was extremely disappointed to see the original measure amended before being reported so as to cut down the number of eligible persons among the relatives of American citizens. Those who have been on waiting lists for as long as 8 years, and who still have a wait in front of them as a result cutting back the relevant date in today's bill, will find no reason to applaud this token gesture of interest.

Nothing has grieved me more than to see another session of the Congress draw to a close without enactment of a wholesale reform of the immigration laws. This failure to act is largely the result of the administration's lack of pressure for immigration reform this year. I would hope, on such a nonpartisan issue of simple humanity and justice, that next year a broad and thoroughgoing law revision will be taken up, rather than piecemeal relief of the sort that today's bill represents.

At this date in the session, it is apparent that this bill represents the only possibility for relaxing some of the hardships caused by the present law. I shall therefore vote for the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2276), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States of certain skilled aliens whose services are urgently needed and certain relatives of U.S. citizens; and to permit the creation of a record of lawful admission for permanent residence in the cases of certain aliens who entered the United States prior to December 24, 1952.

STATEMENT

Section 1 of the bill, as amended, would provide nonquota status for fourth preference quota immigrants registered on a consular waiting list under a priority date earlier than March 31, 1954. The fourth preference classification of quota immigrants includes brothers, sisters, married sons, or married daughters of U.S. citizens and their accompanying spouses and children.

As introduced, section 1 of the bill would have accorded nonquota status to fourth preference quota immigrants registered on a consular waiting list under a priority date earlier than December 31, 1954, and it is estimated that approximately 65,000 aliens would have benefited under that provision. As amended, the cutoff date is moved back to March 31, 1954, and it is estimated that approximately 16,000 aliens will benefit under the amended provision.

Section 2 of the bill, as amended, would provide nonquota status for certain first preference quota immigrants who are chargeable to oversubscribed quotas and in whose behalf first preference petitions were filed with the Attorney General prior to April 1, 1962. The first preference category of quota immigrants includes certain skilled specialists whos services have been determined by the Attorney General to be urgently needed in the United States because of their education, training, experience, or ability, and the spouses and children of such aliens who are accompanying or following to join them. Under section 3 of the bill, as amended, the Attorney General would be required to report to the Congress on the 1st and 15th day of each month in which Congress in in session the approval of each first preference visa petition, setting forth the basis of his approval in each case.

Section 4 of the bill, as amended, would amend section 249 of the Immigration and Nationality Act, as amended (66 Stat. 219), to permit the creation of a record of lawful admission for permanent residence in the cases of certain aliens who entered the United States prior to December 24, 1952. Under existing law such an adjustment may be made in the cases of certain aliens who entered the United States prior to June 28, 1940.

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

Mr. KEATING. Mr. President, I move that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR ENDING JUNE 30, 1963

Mr. SMATHERS obtained the floor.

Mr. HOLLAND. Mr. President——

Mr. SMATHERS. Mr. President, I yield to my senior colleague.

Mr. HOLLAND. I thank my colleague.

Mr. President, yesterday the full Appropriations Committee marked up the so-called last supplemental appropriation bill, which I understand to be House bill 13290, making supplemental appropriations for the fiscal year ending June 30, 1963, and for other purposes. We did that in order to try to expedite the transaction of the work of Congress—realizing that at that time the bill was held at the desk, and was not then subject to our jurisdiction.

The markup was a careful and thorough one, and I was instructed by the full committee to file the report when the bill came into our jurisdiction, as it did earlier today.

Carrying out the instructions of my committee, I wish to file now, if I may, the report of the committee on H.R. 13290.

Mr. RUSSELL. Mr. President, this morning when the majority leader obtained a unanimous-consent request for the morning hour, at my insistence the proviso was included that reports of standing committees of the Senate would not be received during the morning hour. I therefore make a point of order against the receipt of this bill and report.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The point of order is sustained.

Mr. HOLLAND. Mr. President, I have no feeling whatever about the matter. I am only trying to carry out the instructions of the full Committee on Appropriations.

I wonder if the matter could be handled on a basis that would be agreeable to all. I now ask unanimous consent that the report and the bill H.R. 13290 be held at the desk, to be received and filed at the first appropriate time procedurally for its receipt.

If there is objection to that request, I shall be glad to withdraw my request, but it seems to me that serves to give notice on the RECORD that the bill is ready for consideration by the Senate at such time as it may be procedurally correct for the report of the Appropriations Committee to be received and filed.

Mr. RUSSELL. Mr. President, I dislike to object to the request of my distinguished friend, but I should like to discuss this subject with him before the bill takes that course.

Mr. SMATHERS. Mr. President, I believe I have the floor. May I say something which I think may clear up the problem?

Mr. HOLLAND. Mr. President, will my colleague yield to me?

Mr. SMATHERS. Yes.

Mr. HOLLAND I do not want to insist on a unanimous-consent request unless it meets the objectives which the Senator from Georgia [Mr. RUSSELL] has in mind, with which I am in strong accord. It seemed to me that was the easy way to make the report ready for action when it was appropriate for it to be filed. I am not talking about taking the bill up; I am talking about filing the report.

Mr. RUSSELL. I understand; but at this stage of the proceedings of Congress, time is very much of the essence. While I may yet agree to let the bill take that course, I would prefer to discuss the subject with the Senator from Florida before I consent to the unanimous-consent request.

I do not like to be arbitrary or stubborn, but there are some issues that I would be perfectly willing to stay until Christmas to straighten out properly and justly and fairly, with recognition of the rights of the Senate as a coordinate legislative body.

For that reason I ask my friend not to compel me to object to the request.

Mr. HOLLAND. I gladly withdraw my request. I assure my distinguished friend from Georgia that I shall not renew the request without notifying him, nor proceed in connection with this bill further without notifying him.

Mr. RUSSELL. That is in keeping with the spirit of fairness the Senator always displays whether he is with or against one.

Mr. HOLLAND. I happen to be with the Senator from Georgia in the objectives which he has in mind.

ORDER OF BUSINESS

Mr. SMATHERS. Mr. President, last Friday I announced to the Senate that it was then my intention to object to the consideration of any appropriation bill which had not lain at the desk for 72 hours, in accordance with the Senate rules. I was dissuaded from following that course on the representations and the hopes of the leadership and other Senators that there would be some indication from the White House as to the disposition it would make of H.R. 10.

A week has now passed, and apparently there is no indication as to what will or may happen to this measure at the White House. Therefore, in the interest of those of us who are sponsoring this particular legislation—and we think it is most desirable legislation—we recognize that if Congress were to continue in session until after midnight on Wednesday next, by the rules of the Congress and the Constitution, H.R. 10 would become law, or; if it were acted upon prior to that time at the White House, we would have the opportunity to sustain or override a veto if such was the disposition made of the measure by the President.

Now, Mr. President, I give notice to my leadership and my distinguished colleague from Florida who is handling the supplemental appropriation bill, that I propose to object to its being considered by the Senate prior to its having lain at the desk for 3 days after having been reported from the Appropriations Committee.

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

Mr. SMATHERS. I yield.

Mr. HOLLAND. Of course, I will observe the suggestions made by my distinguished colleague.

I already stated to him, and also to the leadership, some time ago, when this question came up, that I intended to support my colleague in whatever effort became necessary, because I, too, am greatly interested in H.R. 10 becoming law. I now give assurance to my colleague, as I have just given it to the Senator from Georgia, that I will not attempt to call up the last supplemental appropriation bill, assuming that it would first have become eligible by reason of the report being filed, without notifying my colleague in advance.

Mr. SMATHERS. I thank my colleague.

Mr. RUSSELL. Mr. President, I hope, in the event the President signs the bill, the distinguished Senator from Florida will give me notice before he calls up the bill, because if the distinguished Senator from Florida does not enter the objection, I intend to do so.

Mr. HOLLAND. I thought I had given my complete assurance.

Mr. RUSSELL. It cannot be called up until after it is on the calendar.

Mr. HOLLAND. I shall be very happy to give the same assurance to my distinguished friend from Georgia that I have just given to my own colleague.

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

Mr. SMATHERS. I yield to the Senator from Illinois.

Mr. DIRKSEN. To make sure the full import of the words being used is understood, I would like to address a parliamentary inquiry to the Chair as to what the exact effect will be with respect to the appropriation bill, in which the 3-day rule is involved. When can the bill first be considered in the Senate?

Mr. HOLLAND. The bill has not yet been reported.

Mr. RUSSELL. It depends on the time it is placed on the calendar.

The PRESIDING OFFICER. Three days must intervene after the bill is reported.

Mr. DIRKSEN. Mr. President, a further inquiry. The bill has not been reported yet; has it?

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. Therefore, it will be 3 days from the time the bill is actually reported. Is that correct?

The PRESIDING OFFICER. Yes; after the bill is reported.

Mr. DIRKSEN. After the bill has been reported and is on the Senate calendar.

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

Mr. SMATHERS. Mr. President, I have the floor. I will be glad to yield to my colleague.

Mr. DIRKSEN. Mr. President, the distinguished Senator from Florida says he proposes to object. Proposing to object is one thing——

Mr. SMATHERS. And I will object.

Mr. DIRKSEN. And saying to the Senate that, "I shall object," and giving firm notice that the objection will be interposed, is quite another.

Mr. SMATHERS. I shall object, and intend to object, unless the President should act between now and the time the supplemental bill is presented to the Senate.

Mr. DIRKSEN. Mr. President, one further inquiry. If the report was filed at the desk, when would the 3 intervening days expire, and when could the Senate first consider the bill?

The PRESIDING OFFICER. The bill could be taken up on next Tuesday.

Mr. DIRKSEN. If the report were filed today, the bill could not be taken up before Tuesday next?

The PRESIDING OFFICER. That is correct.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

Mr. SMATHERS. I yield to the Senator from Georgia.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. RUSSELL. As I understand the rules of the Senate, the Sabbath or Holy Day does not count in the computation of time in the Senate under the rules.

The PRESIDING OFFICER. Sundays are not excluded in this matter. They are only excluded from the time the bill is in the hands of the President.

Mr. RUSSELL. I beg the Presiding Officer's pardon.

The PRESIDING OFFICER. Sundays are not excluded in this matter. They are excluded when the bill is in the hands of the President.

Mr. RUSSELL. That is by reason of a special provision.

The PRESIDING OFFICER. The Constitution of the United States specifically excepts Sunday when the bill is in the hands of the President.

Mr. RUSSELL. I beg the Presiding Officer's pardon.

The PRESIDING OFFICER. When the bill is in the hands of the President, the Constitution makes the exception.

Mr. RUSSELL. I think there are a number of precedents as to the rules of the Senate which hold that Sunday is not counted in the period of time prescribed by the Senate rules. I shall undertake to get those precedents together. While I do not anticipate that this question will arise—I hope that the Senate will not proceed before Sunday—if that question does arise, I shall make a point of order and endeavor to persuade the Senate not to deviate from the precedents in this case.

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

Mr. SMATHERS. I yield to my colleague.

Mr. HOLLAND. Mr. President, my only objective is to have the final supplemental appropriation bill cleared and in conference at the earliest feasible moment. I have already given assurance to two of my colleagues. If any other Senator wishes to have notice, either before I file the report, or before the bill is called up, I shall be glad to give the same assurance to him or to them, but I hope the number will not be too large, because I do not wish to be too greatly burdened before I proceed in the customary way to the handling of the bill.

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

Mr. HOLLAND. I yield to the Senator from Rhode Island.

Mr. PASTORE. I wish to say, in full sincerity, I have a great deal of sympathy with regard to the bill in which the junior Senator from Florida is interested, and I have a great deal of sympathy with regard to the bill in which the senior Senator from Georgia is interested, but I fear we are boxing ourselves in a little, because if the bill is reported today the rules require that we must wait for 3 calendar days before it can be considered, unless unanimous consent can be obtained.

If the issues in which the Senator from Florida and the Senator from Georgia are interested, should by some miracle be resolved today, we would find ourselves in an awful box.

Mr RUSSELL. Oh, no, Mr. President.

Mr. PASTORE. I hope Senators will consider that danger.

Mr. HOLLAND. Mr. President, I do not understand that we are putting ourselves in any awful box.

The only commitment I have made is to state to the two Senators, which I am very happy to do, that before I ask to file a report in the first instance and before I ask to take up the bill for action in the second instance—referring to the last supplemental appropriation bill, which is important to every Senator and must

be considered before we can go home—I will give them notice. I do not think that imposes any undue burden.

If the circumstances mentioned by the Senator from Rhode Island should occur—in other words, should H.R. 10 be signed or should H.R. 10 be vetoed and sent back to the Congress, where the Senate and House can consider it—I would expect, of course, to give immediate notice to my friends and be governed by their own decisions as to what they wanted to do. They would have the right to do what they have said.

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

The bill could be put on the calendar. That could be done now. If the bill is put on the calendar, the 3 days could begin to run. That is the point I make.

Mr. HOLLAND. Let me say to my distinguished friend that he is probably not as much interested in having the bill cleared and enacted as I am.

It has been a pain in the neck to handle this bill under the conditions which have prevailed, while serving at the same time on three other conference committees, which are underway; that is, on the foreign-aid bill, on the public-works bill, and on the State, Justice, Commerce, and judiciary bill. It has been a very onerous duty. I should be glad to be through with it.

But, under the terms of the unanimous consent granted this morning when the Senator from Rhode Island and I were working on the foreign-aid conference, as I understand, I cannot make the report during the morning hour. After the morning hour is over, as I understand, without unanimous consent I cannot make the report. I certainly expect to observe the commitments that I have made to the two distinguished Senators before I make any such offer.

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

I find no fault with the Senator from Florida. All I say is that I am asking the Senator from Georgia and the Senator from Florida to review their positions. At least, the bill would have to remain on the calendar for 3 days, if they insist on their positions. In the event that these difficulties should be cleared up, at least we would have the bill ready for immediate consideration.

If we can do that, perhaps we can get home to our families by tomorrow night.

Mr. HOLLAND. I say, heartily, "Amen" to the idea suggested by my friend the Senator from Rhode Island. I think we all want to get home to our families, and none more eagerly than the Senator from Florida.

At the same time, I realize the seriousness of the objectives which animate both the Senator from Georgia and the Senator from Florida. I think it was completely appropriate for me to give the assurances which I have given, and I intend to live up to them.

If other Senators want the same assurances, I am perfectly willing to give the assurances to them.

Mr. RUSSELL. Mr. President, I merely wish to observe, for the benefit of the Senator from Rhode Island, that if the controversy in which I am interested, as to which I am doing my best to uphold the rights of the Senate as a coordinate legislative body, should be resolved, there would be no objection interposed on my part to the immediate consideration of the bill. There are toys in which a jack-in-the-box jumps out when one touches the button. If that controversy can be solved, I shall undertake to emulate the jack-in-the-box.

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

I sympathize with the Senator's position. If the bill could be placed on the calendar, at least we would have to wait 3 days, against the objection of the Senator from Georgia, with whose position I agree. I will remain here until the cows come home to battle for his position.

I suggest that we do not maneuver ourselves into the position that, should those questions be resolved, we could not proceed to conclude our business tomorrow night.

Mr. SMATHERS. Mr. President, I am certain that, if the President acts with respect to H.R. 10, there will be no problem insofar as the junior Senator from Florida is concerned. We can then proceed with expedition, under unanimous consent or some other procedure. I do not think we are getting ourselves into any box.

Under the circumstances as I have previously stated I shall still object to the supplemental appropriations bill being considered, prior to the expiration of the 3 days after it has been reported to the Senate. This procedure is in accordance with the rules of the Senate.

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

Mr. SMATHERS. I am glad to yield to the Senator from California.

Mr. KUCHEL. While some of us are looking forward to an opportunity to be with our families, we are also looking forward to an opportunity to be with our constituents.

I should like to have the Presiding Officer, if he will, confirm what the Senator from Florida said with respect to the rules. Therefore, I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KUCHEL. Since a consent agreement has been entered into this morning which effectively bars the filing of a committee report during the morning hour, do the rules prevent the filing of such a report from a committee during the session today subsequent to the morning hour, in the absence of unanimous consent?

The PRESIDING OFFICER. Unanimous consent is required to report a bill after the morning hour is closed.

Mr. KUCHEL. So under the rules, therefore, unless unanimous consent were granted, speaking in plain English, if a committee report were filed tomorrow, then Sunday, Monday, and Tuesday would have to intervene, and Wednesday would be the earliest day, in the absence of unanimous consent, when the supplemental appropriation bill could be considered? Is that correct, Mr. President?

The PRESIDING OFFICER. That is correct.

Mr. KUCHEL. That is a very dismal situation.

Mr. SMATHERS. Mr. President——

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. The junior Senator from Florida has the floor.

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

Mr. SMATHERS. Mr. President, I will yield to the Senator from Delaware for a question, without losing my right to the floor.

Mr. WILLIAMS of Delaware. Mr. President, I join the Senator from Rhode Island in expressing the hope that at least there can be an agreement to have the appropriation bill reported, in the event that favorable circumstances develop and we wish to consider the bill tomorrow. I do not believe it would be fair to leave the bill in the committee and then report the bill tomorrow If we did so, we would receive a bill which would appropriate $2 or $3 billion without Senators even having an opportunity to see the bill or to have it in printed form. We would then consider and vote on the bill tomorrow. Some other Senator may object if the bill is not printed so that all Senators can read it.

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

Mr. SMATHERS. I yield.

Mr. RUSSELL. I suggest that if a Senator will call the Committee on Appropriations, he will be furnished with the bill and the report.

Mr. WILLIAMS of Delaware. I thought the bill could be put on the calendar. I will go along with the fact that a Senator can see it. I do not object to the decision of the Senator from Georgia, but I do believe that other Senators who are not members of the Appropriations Committee should have the advantage of having the bill and the report.

Mr. RUSSELL. The Senator will have a right to object to a request that the bill not lie on the table for 3 days, if the bill is pushed on him more quickly than he thinks it should. But it makes a great deal of difference to us when the 3-day period starts to run.

The information is available in the committee. All the Senator has to do is get in touch with the staff, and he can obtain a copy of the bill and the report.

Mr. SMATHERS. Mr. President, last evening the Evening Star published an editorial on H.R. 10 which stated—

> Few tax proposals have received such sweeping congressional indorsement as that designed to encourage the establishment of approved retirement funds by self-employed persons. As forwarded to the White House, legislation would allow self-employed persons to deposit annually in such a fund up to 10 percent of earned income or $2,500, whichever is less.
>
> President Kennedy has acknowledged that the principle of encouraging this form of protection for individuals not eligible for coverage in corporate pension plans or social security "has equity," although at the same time he has pointed out that it might be included in the proposed overall tax reform program next winter. Since the plan in its present form has won such overwhelming

congressional approval, however, we think it is a reform properly authorized at the present time.

This morning's issue of the Washington Post, which is not usually very friendly to what the junior Senator from Florida advocates, published an interesting editorial on the same subject which states and I quote—

The President should not yield to those who are importuning him to veto the bill which Congress has approved to permit self-employed persons to make contributions toward their own pensions. This measure, introduced in the House as H.R. 10, would correct the manifest injustice of withholding from self-employed persons the privileges already allowed those who work for others. The yearly withholding permitted is extremely, if not unreasonably, modest.

The editorial goes on to say—

Apart from its meaning for the individual beneficiaries, the bill will result in withholding from current expenditures, funds that will enlarge the resources available for investment and contribute to the country's growth potential. The Treasury ought to abandon its die-hard resistance to a measure that has the overwhelming approval of Congress.

I ask unanimous consent that both of the editorials to which I have referred be printed at this point in the RECORD.

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

AGAINST THE "RAINY DAY"

Few tax proposals have received such sweeping congressional indorsement as that designed to encourage the establishment of approved retirement funds by self-employed persons. As forwarded to the White House, legislation would allow self-employed persons to deposit annually in such a fund up to 10 percent of earned income or $2,500, whichever is less. Of this contribution, 50 percent or a maximum of $1,250 would be deductible in computing income taxes. With certain controversial provisions deleted in House-Senate conference, the measure won a 361–0 rollcall vote in the House and a 70–8 vote in the Senate.

President Kennedy has acknowledged that the principle of encouraging this form of protection for individuals not eligible for coverage in corporate pension plans or social security "has equity," although at the same time he has pointed out that it might be included in the proposed overall tax reform program next winter. Since the plan in its present form has won such overwhelming congressional approval, however, we think it is a reform properly authorized at the present time.

PENSION VETO

The President should not yield to those who are importuning him to veto the bill which Congress has approved to permit self-employed persons to make contributions toward their own pensions. This measure, introduced in the House as H.R. 10, would correct the manifest injustice of withholding from self-employed persons the privilege already allowed those who work for others. The yearly withholding permitted is extremely, if not unreasonably modest, but the measure is at least a gesture toward correcting a long standing inequality. The annual cost to the Treasury amounts to $115 million, which does not seem excessive. It may be argued that legislation hereafter could expand the plan, increasing those eligible under it and adding to deductions until it might amount to as much as $600 million, but every exemption ever approved is susceptible to the reproach that it might be enlarged subsequently.

Apart from its meaning for the individual beneficiaries, the bill will result in withholding from current expenditures, funds that will enlarge the resources available for investment and contribute to the country's growth potential. The Treasury ought to abandon its die-hard resistance to a measure that has the overwhelming approval of Congress.

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

Mrs. NEUBERGER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mrs. NEUBERGER. Is the Senate operating under the 3-minute rule?

The PRESIDING OFFICER. The Senate is in the morning hour, with a 3-minute limitation on debate.

The time of the Senator from Florida has expired. The Chair recognizes the Senator from Rhode Island.

DIVISION OF BERLIN

Mr. PELL. Mr. President, as we search for a solution to the problems of Berlin and attempt to come forth with constructive ideas, I call the attention of Senators to an article entitled "Berlin: Accepting the Division," by Geoffrey McDermott, former British Minister in Berlin for a year, which appeared in the London Observer on September 23, 1962. I ask unanimous consent that the article be published at this point in the RECORD.

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

BERLIN: ACCEPTING THE DIVISION

(By Geoffrey McDermott)

(NOTE.—Mr. McDermott was British Minister in Berlin from June 1961, until September 15 this year when he was retired by the Foreign Office as the result of a disagreement over the conduct of official policy. In this article he criticizes the machinery for Allied consultation in Berlin and offers his own ideas for a sensible policy now and in the future.)

I took up my post as British Minister in Berlin in June 1961, and saw through the critical year that followed. Having now retired from the Foreign Service I can express my views on that year, and on the future, more publicly than before. I believe it may help toward an understanding of the problem if I describe not so much the year's events, which are pretty well remembered, but the influences behind the scenes in Berlin which helped to shape the course of those events. The atmosphere varied from tense to extremely tense throughout the period: the splitting of the city by the Communists on August 13, 1961, and the subsequent wall were only some amongst the more horrific developments.

Under agreements made soon after the end of the war, not only was Germany divided into four zones but Berlin, left more than 100 miles inside the Soviet zone, was divided into four sectors, and the access routes of Britain, America, and France by air, road, rail, and water were defined and guaranteed. These arrangements constituted the occupation status of Berlin. This status was modified in turn by the setting up in 1950 of the Federal Republic, which all four Allies (and most of the rest of the world) recognize, and in 1951 of the so-called German Democratic Republic, so far recognized only by Soviet Russia and her Communist allies.

Nevertheless, the occupation status remains the basis for the presence of the Western Allies' occupation forces in West Berlin; and although the Russians inveigh against this and state that they have no occupation forces in Berlin, "the capital of the German Democratic Republic," they kept, until a week or two ago, a Soviet commandant at his own headquarters in East Berlin. In addition, under their treaty of 1955 with the "independent German Democratic Republic," they maintain some 22 divisions, with the most modern armament, within easy reach of Berlin.

ACCESS ROUTES COULD BE CUT

Militarily, therefore, the Western Allies' position in Berlin is nonsense. The Americans maintain some 6,000 men there, the British some 3,000 and the French some 2,000. Their access routes, except possibly by air, could all be cut at a moment's notice. Moreover the Western sector could be overrun and, as Mr. Khrushchev is said to have remarked to an American journalist a few months ago, all Berlin could be occupied by the Red Army within an hour. (He went on to say, a bit disgenuously, that he did not want Berlin and could not see why the Americans were so keenly interested.) But this is not, of course, the point, which is an entirely political one. The Western forces are adequate, as a tripwire, provided that Western policy is properly handled both inside Berlin and by those dealing with the Berlin question in the Western capitals.

The framework for the execution of allied policy in Berlin is the allied kommandatura. This hideous word, a German-Russian bastard, typifies an out-of-date mechanism, set up in the totally different conditions existing immediately after the war. The kommandatura consists of the three Western Allied commanders plus the three ministers who are also deputy commandants, plus, glowering over their deliberations, a photograph of the last Soviet commandant to take part in the discussions—in 1948.

In passing it is worth recalling that only 2 four-power organizations still function, both in the British sector. One is the Berlin air safety center where the Soviet representatives can attempt to cause trouble in the air corridors but which does not in fact regulate traffic in them, a job performed by the American controllers at Tempelhof. The other is Spandau gaol, where for the sake of occasional contacts with Soviet officers the Western Allies continue to pay out some hundreds of thousands of pounds a year on the grounds that the three remaining Nazi prisoners—Hess, von Schiarach and Speer—would constitute a deadly menace to the Western World if given their liberty.

But to return to the Allied kommandatura. Does it work properly? Is it, in fact, so constituted as to cope efficiently with the multifarious political problems—and practically every Berlin problem, even the moving of a platoon, is in essence political—with which it is bound to be constantly faced? A view from inside it suggests few grounds for optimism, or even confidence.

The three commandants are major generals of varying caliber and experience. The Americans are usually active, tough and modern-minded men; the British tend to be on the verge of retirement and to have little political experience. The machinery is somewhat cumbersome and in practice is made even more so since it is double and even treble banked by the necessity for reference to the ambassadors in Bonn, governments at home, a four-power ambassadorial group (including the Federal Germans) in Washington, and so on.

The Western ambassadors claim residual responsibilities as high commissioners for Germany, and as such approach the Soviet

Ambassador to the German Democratic Republic from time to time. Naturally they always draw a blank. Even in very urgent cases requests for instructions to one or all of these bodies were made. I personally favored, wherever possible, action first and instructions, approval, etc., later; and in this I was at one with the two outstanding Berlin characters, Herr Willy Brandt, the mayor of West Berlin, and Gen. Lucius D. Clay, President Kennedy's special representative in Berlin from September to May.

TOUGH, EFFICIENT BRIGADIER GENERAL

On the purely military side, too, of course, the Americans carry by far the most weight. Their forces commander, under the commandant, is at present a very tough and efficient brigadier general, who has numerous active colonels and so on to back him up. The British and the French are by no means so well staffed.

The government of Berlin consists of Willy Brandt; the president of the House of representatives, Otto Bach, and a dozen senators responsible for such matters as commerce, education, transport and so on. Their actions and policy are subject to the approval of the Allied kommandatura; in practice there is close consultation in advance on most matters, so that generally decisions are reached in collaboration with the Allies, who, in fact, assert their views firmly whenever required.

The West Berliners are happy with this arrangement because they know that it gives them a security which total dependence on the Federal Republic could not guarantee. Although, therefore, Berlin is theoretically a "land" or province of West Germany, it knows it cannot have it both ways; and under the occupation status the extension of laws and treaties to "Land Berlin" has in every case to be approved by the Allied kommondatura. The West Berliners as a whole are most friendly to the Western Allies, and call their forces in Berlin "the protecting forces."

DRASTIC STEPS BY THE COMMUNISTS

The events of August 1961 will illustrate how the machinery works. Although the Allies and the Berliners had agreed in July that some drastic steps were sure to be taken by the Communist authorities to stem the tide of refugees, their intelligence did not provide the date nor the exact nature of the steps. (To be fair, the Communists may not have decided the date themselves more than a few days before.) But early on Sunday, August 13, the Allied kommandatura met to discuss the events of the past night and policy for the immediate future, and an hour or so later summoned Brandt and his team to their deliberations.

I still think the decision not to take forward action was correct, though I will not argue it out here. But in fact little in the way of solid reaction emerged from the kommandatura's long meetings of August 13 or 14. Even after some appropriate measures had been taken, it was a direct approach by Brandt to President Kennedy which produced the first strong Allied demonstration, in the shape of the visit by the U.S. Vice President and General Clay to Berlin on August 19.

The two heroes of the Berlin scene in 1961–62 were Brandt and Clay. Brandt was described to me by a leading British Labor politician as "head and shoulders above anyone in Federal Germany." I, myself, know of no better German and have a great admiration for his judgment, force of character, courage, and cheerful cooperation. West Germany could well use a man of his integrity instead of some of the ambitious and none too trustworthy politicians of the Christian Democrat-Free Democrat coalition led by 87-year-old Chancellor Adenauer, to which Brandt's Social Democrats are in opposition. Brandt ranks No. 2 to Herr Ollenhauer. The way in which Brandt throughout these testing times also waged a markedly successful election campaign for the chancellorship against Dr. Adenauer and yet collaborated loyally with the Christian Democratic minority in Berlin, was altogether admirable.

As for General Clay—whom the Berliners remembered for his part in the airlift in 1948—he received a terrific ovation on his arrival. In boosting the morale of the West Berliners, he operated on the basis—which was proved correct—that the Russians did not want a showdown over Berlin. Thus, in October he ordered U.S. troops to make a symbolic sortie into the Soviet sector and sent U.S. tanks to the crossing point in Friedrich Strasse. As a result, Soviet tanks were forced to appear and prove once more the falsity of the Soviet claim that the German Democratic Republic was sovereign in the Soviet sector.

General Clay would, I am sure, happily have taken over supreme command of the Allies in Berlin; the Allies resisted—understandably, but perhaps unfortunately.

In view of all this it is not surprising that ever since the end of the war Berlin has been a bone of contention—"a fishbone stuck in our gullet," to quote Mr. Khrushchev—between the Western and Communist worlds.

Since 1958, when Mr. Khrushchev delivered his 6 months ultimatum demanding a settlement on his terms, it has become a possible cause of a third world war. Mr. Khrushchev's further demand to President Kennedy in June 1961, for a settlement, together with the building of the wall by the East Germans, did in fact bring the world fairly near the brink. Only American firmness prevented either war or a Western climbdown.

THE FRENCH STOOD CYNICALLY BY

When President Kennedy mobilized hundreds of thousands of extra men, and sent tens of thousands to Europe, Mr. Khrushchev realized that it was he who must climb down. General Clay told me that last autumn the American people were prepared to go to war over Berlin; and I have no doubt that this is true. The British added firm speeches, but no action; the French stood cynically by (did General de Gaulle really say "Berlin est foutu"?); the Federal Germans indulged in political maneuvers. West Berlin, and the world, were saved—until the next time; and that will be before long.

In trying to inject a note of realism into the Berlin problem, looking at history can help. In the first place, the city was only for a short time the capital of a united German Reich. Provincialism always was, and still is, very powerful in Germany. Berlin was never beloved as a capital by the Rhinelanders and Bavarians, for instance, as London and Paris are by the mass of British and French. Only for a few ill-starred years under Hitler was it the capital of the whole German-speaking world, including Austria and Sudetenland.

Today, Germany is divided into three: West Germany, East Germany, and Berlin. The first two both claim Berlin as their capital. But the deplorable separation of German from German is for one thing a direct part of the price the Germans must pay for Hitler and his war. Secondly, reunification can, to speak realistically, only come about in one of two ways in the foreseeable future—nuclear war or a complete switch of policy by the Soviet Union. (Pipedreams about a voluntary Soviet withdrawal in any other circumstances are a waste of time.) These are both exceedingly unlikely, and in either case the problem in anything like its present form will by then have disappeared.

We might also take a closer look than usual at the Germans themselves. The majority of the people of West Germany are not terribly interested in Berlin: their reasons are either selfishness or resignation. They are happy to pay conscience money in the shape of subsidies to Berlin, and leave it at that. The Federal German politicians, who in any case, are not held in high esteem by the people as a whole, work up the Berlin question constantly and irresponsibly; they frequently use it as a stick with which to beat their allies. There are good reasons for doubting the sincerity of most of them—not least that of Dr. Adenauer, who could bring himself to visit Berlin only some weeks after August 13, 1961, and has since gone there as seldom as possible.

POLITICAL BLACKMAIL

Again, a number of Germans are certainly working toward the possession of a German-controlled nuclear weapon; my views on this prospect differ not at all from those of Mr. Khrushchev.

In addition, some of these Federal politicians are not above hinting at the grossest form of political blackmail of the West—a switch to friendship with the Soviet Union as the Weimar Republic did in 1922 with the Rapallo Treaty—if the West does not rescue Berlin for them.

As for the East Germans, we need a more realistic approach to that question, too. It is true that some 3 million have voted with their feet by defecting to the West since the German Democratic Republic was set up in 1951. But only once has a small attempt at serious resistance been made, and that 9 years ago. (Contrast the spirit shown by the Cypriots, for instance, in their struggle against their own appeasers and the British.)

The facts are that some 10 percent of them are faithful Communists, and that a much larger proportion collaborate more or less actively with them. It is Germans who rule East Germany; it was Germans who built the Berlin wall, who guard it with enthusiasm, and who shoot other Germans who attempt to escape. The situation in East Germany in general is not very different from that in Rumania or Bulgaria.

As for the third category of Germans, the Berliners, they are the best of the lot, and with the best leader in Willy Brandt. The West Berliners have kept their morale and spirits high under long and relentless pressure; and if West Berlin is, as a result of hard circumstances, an artificial place, it is also a thriving and in many ways attractive one.

TACTICAL STRANGLEHOLD

For cogent political and humanitarian reasons the West cannot abandon Berlin: in a nutshell, this would lead to the collapse of NATO. Mr. Khrushchev has a tactical stranglehold on it, but the fact that he has shown himself prepared to wait proves that he realizes that his political and strategic hold is much less strong. He will not run the risk of American nuclear intervention; he is prepared up to a point to see Berlin "wither on the bough" and he will push it along in that direction by, for instance, allowing the East Germans to nibble further; they have already nibbled considerably at its life.

Consequently, there is room for negotiation. By this I mean neither acceptance of Russian demands wholesale—they would never expect that—nor, on the Western side, waffling on about "improving the situation in West Berlin." It is true that the present occupation status is satisfactory from the Western standpoint, as far as it goes, but it suffers from grave defects.

Because it is anachronistic, it is inefficient from the West's point of view, and undignified, too, because it makes the Western Powers appear always on the defensive, and nearly always ineffectual into the bargain, in Berlin. Secondly, Mr. Khrushchev is determined to abolish it, and will do so sooner or later. Thirdly, and this is the gravest aspect, as a result Berlin is a perpetual and deep danger to world peace; and this situa-

tion cannot be allowed to continue much longer.

Here then are my broad suggestions for a Berlin solution, which I believe are realistic and so stand a chance of acceptance by both sides. They could give both the West and the Communists much of what they require, and they could remove the constant ugly friction, and threat of war, from both sides.

1. The Western Powers and the Soviet Union would agree that the long-term aim is the reunification of Germany (both sides have stated this to be their policy) and the agreements would be subject to review in, say, 20 years.

2. The present German frontiers would be recognized as definitive (this is plain commonsense, and there is no advantage in "waiting for a peace treaty").

3. The German Democratic Republic would be recognized as a separate State—as indeed it already is: a German State ruled by Germans. Britain and her allies do considerable trade with it. Federal Germany does very considerable trade indeed. East German authorities already control 95 percent of people going into and out of Berlin, including, of course, all the normal, i.e., nonofficial, nations of the Western Allies, and are recognized by all concerned for these purposes. In addition, there are numerous administrative and technical matters, e.g., the running of the railways throughout Berlin and across the German Democratic Republic to West Germany, in which the East German authorities' responsibility is fully recognized by all. Herr Brandt himself favors an extension of these contacts, as he once more made clear in a recent speech.

SEPARATE ENTITY

As for the international political implications, (a) such recognition need not imply approval any more than our recognition of the regimes in other satellites; (b) it need not confer any great advantages on East Germany—the Bulgarian, Rumanian, and Hungarian regimes, for instance, have hardly achieved any great standing as a result of recognition by the West; (c) it would mean recognizing a state of affairs which will almost certainly exist for a very long time, for the reasons already explained.

4. Berlin would be recognized as a separate entity as, again, it is one already. It has nearly 3,500,000 inhabitants. In practice we should no doubt have to rest content with West Berlin: this has 2,250,000 inhabitants, or roughly as many as Denmark.

5. Berlin would make agreements with any powers she chose—except the two Germanys—to station their troops in reasonable numbers in the city. This would be similar to the agreements between the German Democratic Republic and the Warsaw Pact countries. No doubt West Berlin would choose the Western Allies, and this, with point 6 below, would insure that she would be really independent and not merely free in the Communist sense. United Nations (non-Nato) troops on their own, of course, would be worse than useless and would lead only to chaos and Communist intervention.

It is true that Mr. Khrushchev has grumbled at the presence of the Allies' troops as constituting an aggressive NATO base, but he does not believe a word of it, and chiefly wants to get rid of the occupation status. A Western advantage would be that the Allies would be represented in Berlin by ambassadors in the usual way, who would be independent of the ambassadors in Bonn and who would of course control their own forces in Berlin.

FIRSTHAND WITNESSES

6. The four powers would agree on guarantees for the access of their representatives, both civilian and military, to Berlin. The numbers would be very small compared with the total traffic between Berlin and elsewhere. East Germany could derogate sovereignty in this respect to the U.S.S.R. without any cause for complaint—such arrangements are often made between allies.

7. Some important agencies of the United Nations would be moved to Berlin. Mr. Khrushchev has shown some signs of agreeing to this. If, as is likely, this were confined at first to West Berlin, they would still be firsthand witnesses of the wall and all that goes with it, and might be expected to exercise some beneficial effect on the East Germans in this respect.

8. The three German states would become members of the U.N., giving advantages to both sides.

9. The three German states would adhere to these agreements; indeed, any number of other states would be welcome as guarantors.

These suggestions, I think, preserve the interests of all the interested parties. They also provide an opportunity of removing Berlin from the very dangerous spot which it has occupied for so many years, and will otherwise continue to occupy for many more. Berlin is well worth a visit, as the Berliners say; it might be worth a battle; it is not worth a war.

PLIGHT OF YUGOSLAV REFUGEES

Mr. PELL. Mr. President, the Senator from Connecticut [Mr. DODD] is to be complimented on bringing to our attention a poignant memo concerning Yugoslav refugees, issued on behalf of the Catholic Relief Services of the National Catholic Welfare Conference and the International Rescue Committee. Since the Senator from Connecticut has made an excellent exposition of this subject, I want to add just a few comments.

As a former vice president of the International Rescue Committee, I, too, have followed with close interest the plight of Yugoslav refugees and I am concerned by the growing use of the term "economic refugee" when referring to Yugoslav refugees. In my judgment, no invidious distinctions shown among refugees from communism should be made. Those of us who have worked closely with refugees know very well that there are many complex reasons why a refugee would flee his native land and I believe it is manifestly unfair to determine that many Yugoslav refugees flee for isolated economic reasons, which are in no way related to the overall suffering of living under a Communist regime. The repression of freedom of religion and other fundamental human rights in Yugoslavia is just as distasteful to endure as it is in other Communist countries. One must also remember that once a man makes the decision to flee to freedom, he automatically becomes an enemy of a Communist state if he is returned involuntarily.

Mr. President, the fact that most of the Yugoslav refugees are workers and peasant youth, is, indeed, an indictment against the Yugoslav Communist regime which pretends to be the government of the proletariat and the peasant. Instead of returning these people who have "voted with their feet"—the only real way they can protest under a Communist system—we should treat Yugoslav refugees in the exact manner we treat other refugees from communism. We should welcome them as a living indictment of the failure of communism.

In our own country, we are struggling to eliminate second-class citizenship and it is my earnest hope that those who administer our refugee programs will eliminate the category of second-class refugees.

PROPOSED CONGRESSIONAL RECESS UNTIL A WEEK AFTER THE ELECTION

Mr. MORSE. Mr. President, my parliamentary nostrils this morning have smelled the smoke of a parliamentary fire that I believe is going to burn up great values within the Democratic Party unless it is extinguished very quickly.

Eleven weeks ago, representing six Senators, I went to the majority leader and warned that such a fire was likely to happen. For the past several weeks this fire has been smouldering. For the past several weeks the Congress has made a very bad legislative record because it has been legislating with adjournment jitters. In my judgment they have been weeks of a sad record for the Democratic Party, also. The leadership of the Congress both Democratic and Republican and in both Houses must assume the blame for this bad legislative record.

I should like to suggest that we can prevent further damage if the leadership, in cooperation with the administration, were to say that we will go home tonight, by recessing, preferably, until the week following the election.

That is the suggestion I made 11 weeks ago when I proposed to the Senate leaderships that we recess not later than August 20 and come back after the election. In my judgment, little legislative good will come out of the remaining days of the session in view of the present temper which prevails in both Houses.

Some of the conference reports that are coming back need a great deal of time for reflection and further consideration. There will be better conference reports after the election. The advance notice that has come to me as to what will come to us in the conference report on the public works appropriation bill demonstrates the great need for time for reflection on the report. That report will be very damaging, if the advance notice about its contents that has come to me is correct.

I hope the President of the United States will not surrender to any blackjack threat. I hope the President will live up to his obligations under the separation-of-powers doctrine under the Constitution.

Serving notice by some Senators with respect to appropriation bills, in order to keep the Senate in session until Wednesday, gives us no assurance that we shall be able to leave on Wednesday. Not only will much legislation be burned up in this parliamentary fire if it is not prevented but great damage will be done to the Democratic Party if it is not prevented by recessing or adjourning now.

The sensible thing to do is to quit tonight, with the understanding that we will come back a week following the election and then proceed to do a statesmanlike job on conference reports and other issues which is not being done now.

OUR PRESTIGE ABROAD CONTINUES TO FALL

Mr. CURTIS. Mr. President, a few weeks ago I took this floor to call to the President's attention America's falling prestige throughout the free world. All the evidence from current events points up the fact that our rate of falling prestige is accelerating. Let me enumerate a few items:

The stability of the American dollar continues to be the concern of free Europe. De Gaulle is reported to have advised his Finance Minister that "total support" of the U.S. dollar, in intercentral bank agreements was "both inadvisable and untimely."

A German, strongly pro-American since World War II asks, "Why was America silent when India seized Goa, and continues aid to India, the aggressor?

"Why is there, in Washington, outright hostility to Portugal, a stanch ally?

"Why is there hostility toward President Tshombe, of Katanga, a strong anti-Communist who apparently believes in the right of self-determination guaranteed in the Atlantic Charter.

"Why did America force her longtime ally, Holland, to cede Irian to pro-Communist Sukarno? You actually made it physically impossible for the Netherlands to send troops to defend the natives.

"Why did you state, early in 1961, that Laos full independence was a matter of life and death for the security of east Asia and then force creation of a coalition government which will render Laos Communist within a year?"

This German friend states, "You have established the principle that aggression can pay dividends for the aggressor."

A Western European here for the recent Conference of the International Monetary Fund asked. "Why does the United States continue to follow Great Britain's lead in world affairs. They are appeasers of record, and are soft on communism up to their chins."

Following this remarks we witness Great Britain's refusal to alter trade with Castro.

Perhaps it is time to incline closer to De Gaulle and Adenauer, and unhitch our President and Secretary of State from Prime Minister Macmillan's domination.

Two hard facts recently have been reported from Mexico.

An official of the Mexican Government tells an American journalist that the impression is abroad in Latin America that the United States is so afraid of Khrushchev it will do nothing about Cuba.

The President of Mexico states the Monroe Doctrine is a "unilateral act which Mexico has never recognized." This, of course, was not the case when, less than 100 years ago, this doctrine was effective in relieving Mexico from domination by a foreign tyrant.

Again, let us assess the current situation. Indecisive and lackluster foreign policy, lack of firmness and apparent lack of conviction are running our prestige abroad downhill to new lows.

ECONOMIC COSTS OF RACIAL DISCRIMINATION

Mr. JAVITS. Mr. President, during the hearings before the Joint Economic Committee in January of this year on the 1962 Economic Report, I requested of Dr. Walter W. Heller, Chairman of the Council of Economic Advisers, an estimate of the economic loss to the United States resulting from racial discrimination in employment. Mrs. Oveta Culp Hobby, our first Secretary of Health, Education, and Welfare, in the charter day address at Howard University on March 2, 1954, has estimated economic loss from racial discrimination to be between $18 and $30 billion annually.

Dr. Heller has now submitted to the committee his estimate, broken down into two categories. At the present educational level of the nonwhite labor force, Dr. Heller estimates that the loss in gross national product "might well be as much as 2.5 percent" or about $13 billion at today's level of gross national product. If nonwhites had the same educational levels as whites and if the economic economy fully utilized their education. Dr. Heller estimates the gain at "perhaps 3.2 percent higher"—inclusive of the 2.5 percent previously estimated—or about $17 billion at today's level of gross national product. The Council's estimate is clearly prefaced by the proviso that while these figures measure only the economic cost of racial discrimination, "this is only a minor part of the damage done to the social fabric by a deplorable practice."

The truth of this statement is undeniable. When considered against the estimate of economic loss alone, the impact of job discrimination is a vast and unbelievably retarding factor in our national life as a whole as well as in our economic growth. Perhaps these figures can bring home more vividly the meaning of this problem to the Nation, which is so much concerned presently with our level of economic growth.

I pledge myself to continue the struggle in the Congress to provide meaningful legislation to outlaw discriminatory practices in employment as elsewhere, including a Federal fair employment practices law, the elimination of discrimination in apprenticeship programs, and a statutory base for the President's Committee on Equal Employment Opportunity.

I ask unanimous consent that there may be printed in the RECORD at this point a letter I received from Dr. Heller, under date of September 25, 1962, and a copy of the report which was sent to me as a member of the Joint Economic Committee.

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

THE CHAIRMAN OF THE
COUNCIL OF ECONOMIC ADVISERS,
Washington, September 25, 1962.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I am enclosing a copy of our statement on the economic costs of racial discrimination in employment which, during the hearings on the 1962 Economic Report, you asked us to present to the Joint Economic Committee. A letter of transmittal to Chairman PATMAN is also enclosed.

As I note in my letter to the chairman, the problem of measurement in this area is a difficult one and our estimates are, at best, imprecise. I hope, however, that they will prove helpful in at least providing a rough measure of the economic loss our economy is suffering from racial discrimination in employment.

While our statement discusses primarily the economic costs of racially discriminatory employment practices, we share your concern regarding the other human and social costs resulting from the practices of discrimination. We all look forward to the time that discussions of discrimination will be found in history books, not in current economic reports.

Sincerely yours,

WALTER W. HELLER.

ECONOMIC COSTS OF RACIAL DISCRIMINATION IN EMPLOYMENT

The Council of Economic Advisers has prepared an estimate of the "economic loss to the United States resulting from racial discrimination in employment." This estimate is at best tentative and approximate. In the nature of the case, it is not possible to calculate with certainty what the full effects of nondiscriminatory employment practices would be, since they would bring about a substantial reshuffling of jobs and occupations among nonwhites and whites. But we believe that the order of magnitude of the figures presented here is roughly correct. It should be kept in mind that they are intended to measure only the economic cost of racial discrimination, and this is only a minor part of the damage done to the social fabric by a deplorable practice.

That there are economic losses resulting from discrimination is clear. These losses result from (1) inefficiencies in the use of the labor force resulting from failure to utilize fully the existing skills of our population; (2) failure to develop potential skills fully. This memorandum attempts to provide rough quantitative estimates of the gains that might accrue if various types of racial discrimination were eliminated. All the estimates herein are based upon a definition of "economic loss" as "amount of national product that is foregone." Measurements, therefore, relate to how much greater gross national product (GNP) could be if discrimination were eliminated (or had been eliminated in the past). Because the legacy of past discrimination affects today's occupational, geographic, and capital structure, and the skills, training, and education of the labor force, the gains would only accrue over time as the economy adjusts and the labor force is upgraded.

Part of the gain in output is attributable to increased employment of nonwhites. The calculations assume that in the absence of discrimination, the unemployment rate among nonwhites would be the same as among whites. Thus there would be a net reduction in unemployment, which could be achieved only if the level of demand in the economy were high enough to provide employment for whites and nonwhites on the same basis. One of the economic gains not measured here is the likelihood that the disappearance of discrimination in employment and education would mean a reduction in the volume of structural unemployment, and would therefore permit higher levels of output and employment without inflationary pressure.

In measuring the increase in output we have been concerned with two questions:

(1) By how much would GNP increase if the nonwhite were able to utilize his pres-

ent potential (as measured by years of education) as fully as is the white?

(2) By how much would GNP increase if the nonwhite were able to develop his capacities as fully as is the white?

Our answers to these two questions do not permit treatment of those forms of discrimination, e.g., housing, which have little, if any, direct employment effects. To the extent that removal of such discrimination may affect the economic performance of whites as well as nonwhites, it would have economic implications. The effect on economic performance does not, however, lend itself to measurement.

On the other hand, there exists a type of discrimination in employment which has little direct effect on output. This is the discriminatory practice in employment sometimes identified as "exploitation," i.e., paying the nonwhite less than the white is paid for equal work. This type of discrimination results in a redistribution of income favoring the white at the expense of the nonwhite, but with no necessary reduction in total output. The data do not permit separating out the loss to the nonwhite due to "exploitation" from the loss to the Nation in the form of decreased output.

GAIN FROM FULL UTILIZATION OF PRESENT EDUCATIONAL ATTAINMENT OF NONWHITES

A measure of the contribution that an individual makes to production by his labor is given by his wage and salary income. The income of nonwhites is lower than that of whites and this is the case for persons with the same number of years of education. In large part this is true because discrimination restricts the nonwhite to positions of lower productivity than he is qualified for. The elimination of such discriminaton would make it possible for nonwhites to move from lower-productivity to higher-productivity occupations, thus casuing an expansion of total output.

If nonwhites had the same labor force participation and employment rates as the white, and if they were distributed geographically and occupationally (and thus in terms of wage and salary income) as whites with the same educational attainments—if, in other words, nonwhites were able to make the same contribution to production, given their present educational attainment, GNP could be increased by about 1.8 percent.

There are several considerations that lead us to think that the gain would be somewhat higher. The shifting of nonwhites to new work roles would probably lead to the creation of additional plant and equipment (for it is assumed that on the average white workers are equipped with more capital than nonwhites). Simultaneously the creation of this new capital would be facilitated by the increased output and income of labor indicated by the 1.8 percent estimate. The income earned by this new capital should in principle be added to the gain.

Furthermore, the 1.8 percent estimate relates only to wage and salary income and does not attempt the difficult measurement of the change in the labor component of entrepreneurial income. Gains will occur in the labor productivity of the self-employed adding further to the 1.8 percent increase in GNP.

The above considerations suggest that the gain in gross national product might well be as much as 2.5 percent (about $13 billion at today's levels of GNP).

It is worth noting that today nonwhites represent 11 percent of the labor force and 10 percent of the civilian population 14 and over. Thus, it is not surprising that the estimated GNP gain is not a larger percentage of present GNP. Nevertheless, the loss does mean that we are wasting about one-third of the potential contribution of the nonwhite workers. The shift to full utilization of the present capabilities of the nonwhite population (and the resultant GNP increase of about 2.5 percent) would assist significantly in meeting our economic growth objectives in the coming years.

GAINS FROM RAISING THE EDUCATIONAL LEVEL

The elimination of discrimination in employment opportunities can, however, be considered in a broader framework. Not only is the nonwhite discriminated against in seeking work which enables him to utilize fully his present education, but nonwhites currently possess lower educational levels than do whites. This phenomenon—in part the result of past and present discrimination—limits the employment opportunities for the group as a whole. Furthermore, job discrimination itself contributes to lower educational attainment in a self-reenforcing manner. Thus it is relevant to ask not only how much higher GNP might be today if nonwhites were able to be as productive as whites given their present productive capacities (as measured by education), but also, how much higher GNP would be if nonwhites had been educated as fully as whites. Because we did not accomplish this educational task in the past, we can only do so in the future and the gains, therefore, can not be realized today but only over a future time span.

If nonwhites had the same educational levels as whites and if the economy fully utilized their education, GNP today might be perhaps 3.2 percent higher (inclusive of the 2.5 percent estimate reported above). This amounts to about $17 billion at today's levels of GNP.

QUALITATIVE GAINS IN NATIONAL WELFARE

Elimination of racial discrimination would yield gains that raise national welfare while not affecting the level of total output. It would permit, by reducing the level of social costs, a reallocation of output to more fruitful uses or permit more equitable sharing of community responsibilities. At present the social cost of crime and poor health is differentially associated with the nonwhite population. The reduction of these social costs would free resources for other uses. This is also true of the resources now allocated to the construction and operation of separate facilities—the result of discriminatory practices.

The elimination of discrimination would have an impact on the distribution of income among whites. Wage and salary incomes of whites in the lower paid occupations (with higher proportions of nonwhites) would tend to rise while the opposite would be true in the higher income occupations. Thus the low-income white population would also benefit and a more equal income distribution among whites would result.

Finally, the community responsibilities of taxpaying and of military service could be more equitably shared among all the citizens of the Nation. The essential characteristic of such gains is that they are related to allocation and distribution problems rather than to output considerations. But by improving allocation and distribution they do increase the total welfare of the society While they cannot be added to the GNP gain measured above, they are significant and should not be ignored.

APPENDIX ON DERIVATION OF ESTIMATES

The key figures in the foregoing memo are the percentages by which wages and salaries are assumed to rise in the two cases of (a) no change in education, and (b) a change in education.

For (a) the following method was used, based on 1949 data for individuals. (The 1959 data will not be available for several months, and only decennial census data give the necessary breakdown of income by educational level by age and sex by color.) For each age-sex group the income of nonwhites was changed to the income of whites having identical education. These changes amounted to a 3.1-percent rise in total money income. This 3.1-percent figure was applied to wages and salaries. Since wages and salaries are 58 percent of GNP, this would mean a 1.8-percent gain in GNP. This estimate was raised to 2.5 percent for the reasons given in the text.

For (b) the following method was used, based on 1960 data for families and unattached individuals. Total money income per consumer unit for first, nonwhite families, and second, nonwhite unattached individuals, was assumed to change to equal that of the appropriate white groups. Then wages and salaries were assumed to rise by the same percentage that total money income rose; namely, 4.0 percent. Since wages and salaries are 58 percent of GNP, the rise in GNP is 2.3. The final GNP increase was estimated to be perhaps 1-percent higher, or 3.2 percent, because of the additional gains, discussed earlier, due to increasing capital and entrepreneurial income.

The income data required for this study are available in terms of the standard census classification, "white," "nonwhite." The nonwhite classification includes, in addition to Negroes, American Indians, Japanese, Chinese, and others. The Census Bureau estimates that, of the 20.5 million persons in the nonwhite category in the 1960 census, 18.9 million persons (or 92 percent) were Negroes.

DESIGNATION OF CERTAIN CARRIERS AS CARRIERS OF BONDED MERCHANDISE

The PRESIDING OFFICER (Mr. BURDICK in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 5700) to amend the Tariff Act of 1930 to permit the designation of certain carriers as carriers of bonded merchandise, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD of Virginia. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD of Virginia, Mr. KERR, Mr. LONG of Louisiana, Mr. WILLIAMS of Delaware, and Mr. CURTIS conferees on the part of the Senate.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954 RELATIVE TO CERTAIN MANUFACTURERS EXCISE TAXES

The PRESIDING OFFICER (Mr. BURDICK in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 8952) to amend the Internal Revenue Code of 1954 with respect to the conditions under which the special constructive sale price rule is to apply for purposes of certain manufacturers excise taxes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD of Virginia. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD of Virginia, Mr. KERR, Mr. LONG of Louisiana, Mr. WILLIAMS of Delaware, and Mr. CURTIS conferees on the part of the Senate.

INCOME TAX TREATMENT OF TERMINAL RAILROAD CORPORATIONS AND THEIR SHAREHOLDERS

The PRESIDING OFFICER (Mr. BURDICK in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 12599) relating to the income tax treatment of terminal railroad corporations and their shareholders and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD of Virginia. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD of Virginia, Mr. KERR, Mr. LONG of Louisiana, Mr. WILLIAMS of Delaware, and Mr. CURTIS conferees on the part of the Senate.

STATE DEPARTMENT DESERVES HIGH COMMENDATIONS FOR BLOW TO CUBAN TRADE

Mr. PROXMIRE. Mr. President, I congratulate Secretary of State Rusk and the State Department on their ingenious action in planning to put into effect 2 weeks from now a program which will put real pressure upon our allies and other countries to stop trading with Cuba. This action comes at an appropriate time. The Senate has just watered down its proposal in the appropriation bill that came from the House which would have, outright, prevented aid to countries whose ships supplied Cuba with goods, munitions, and the like.

The proposed action on the part of the administration will be much stronger and much more effective. It is a 4-point program. This is what the program will do:

First, it will threaten any foreign shipowner with the loss of all cargo owned or financed by the U.S. Government if one of his vessels engages in the Soviet-bloc Cuban trade.

Second, the United States will close its ports to all shipowners of a country if any vessel under the flag of that country carries military goods or equipment to Cuba. Such pressure was provided in the House language of the appropriation bill; but it was an academic provision, because the administration's intelligence reports disclosed that only Soviet ships have been carrying supplies to Cuba, and that for years no Soviet vessel has docked at a U.S. port.

Third, the program will also ban from U.S. harbors any ship which, on the same continuous voyage, has delivered nonmilitary Communist cargoes to Cuba. This will be a very effective embargo provision.

Finally, the Presidential order forbids U.S.-flag ships or U.S.-owned ships to carry goods to or from Cuba.

Without taking warlike action, the Secretary of State has accomplished a real diplomatic coup, and his very effective action deserves high commendation.

I ask unanimous consent to have printed at this point in the RECORD an article entitled "Reprisals for Cuba Trade Tougher Than Expected," written by Ted Szulc, and published in the New York Times of October 5, 1962.

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

REPRISALS FOR CUBA TRADE TOUGHER THAN EXPECTED

(By Tad Szulc)

WASHINGTON, October 4.—The administration's plan to penalize all shipowners who transport Soviet-bloc supplies to Cuba is tougher than was at first expected. Officials disclosed today that the plan, in the form of a four-point program, would be set in motion in 2 weeks.

The program will threaten any foreign shipowner with the loss of all cargo owned or financed by the U.S. Government if one of his vessels engages in the Soviet-bloc Cuba trade.

Under another provision, the United States will close its ports to all the ships of a country if any vessel under the flag of that country carries military equipment to Cuba.

It will also ban from its harbors any ship that on the same continuous voyage has delivered nonmilitary Communist cargoes to the Cubans.

COMPLETE BAN ON U.S. SHIPS

Finally, the Presidential order, forbid U.S.-flag ships or U.S.-owned ships to carry goods to or from Cuba.

As another part of its plan to put pressure on Cuba, the United States prepared to seek action next week in the Council of the Organization of American States. The Latin-American countries will be asked to carry out antisubversive measures discussed in last night's communique from the hemisphere's foreign ministers.

U.S. diplomats, who are pleased with the results of the informal 2-day ministerial conference here, expect to open consultations immediately on steps against Communist and Cuban subversion.

The ministers agreed yesterday that it was urgent to study "the transfer of funds to the other American Republics for subversive purposes, the flow of subversive propaganda and the utilization of Cuba as a base for training in subversive techniques."

STUDY BY SPECIAL GROUP

It was expected that the Council would instruct the special consultative committee on security, created in January by the American foreign ministers' conference at Punta del Este, Uruguay, to start the studies and present recommendations.

The United States as well as many Latin-American governments believe that one of the principal dangers presented by Cuba is training in subversion—offered to thousands of visiting Latin American youths—the export of revolutionary propaganda and the transfer of Cuban and Communist funds to revolutionary groups in other countries.

Perhaps the most difficult job facing the committee will be finding a way to prevent travel to Cuba. Many governments believe it may be politically impossible for them to forbid students to accept "scholarships" offered by the Havana regime, even though they lead to subversive training.

In general, U.S. officials believe that the tenor of the communique—which said the Chinese-Soviet "intervention in Cuba" was the hemisphere's most urgent problem—represented another step in Washington's long campaign to persuade the Latin Americans of the seriousness of the Cuban problem.

The ministerial statement said that Soviet intervention in Cuba required individual and collective action in the economic field, such as extending to other items the suspension of trade in strategic goods.

PROVISION OMITTED

A provision that the United States was particularly eager to insert in the communique was inadvertently dropped from the text of the document when it was distributed by the State Department last midnight.

It was a call upon "all other independent countries" to refrain from making ships available for the trade between the Soviet bloc and Cuba. Today, the Department issued a corrected text.

Many Latin American diplomats believe that the U.S. success in obtaining what amounted to a condemnation of the Soviet-Cuban alliance and in paving of the way for further measures was due largely to personal effort by Secretary of State Dean Rusk.

Some diplomats said that under the Secretary's direction, the meeting had gone much further than the ministers had planned when they arrived.

Although the bases of the new policy have been settled by the administration, officials indicated today that many of its details were still to be worked out.

It was emphasized that for the time being the restrictions will not apply to ships bringing cargo to Cuba from non-Communist countries. Such routes account for 25 percent of Cuba's imports; the rest comes through trade with the Soviet bloc. But the possibility of extending the sanctions was not ruled out.

CARRIERS OF AID AFFECTED

Under the new program, the immediate impact will be upon allied and neutral ships that carry U.S. Government cargoes to Europe and return to the Western Hemisphere with merchandise for Cuba. The value of the shipments involved in this trade was not immediately known.

In this instance, the administration aimed its threat against individual shipowners rather than against all the ships of a nation.

In the case of ships bringing Soviet cargo to Cuba and then picking up goods in U.S. ports for a return voyage to Europe, only the individual vessels would be penalized.

The object here is to face the shipowners with the prospect of going back to Europe empty.

The provision banning from U.S. ports all the ships of a national that has allowed one of its vessels to carry military equipment to Cuba may, however, be academic.

The administration's intelligence reports indicate that only Soviet ships have been carrying military equipment to Cuba. For years no Soviet vessel has visited the United States.

The only Soviet-bloc country to maintain maritime trade with the United States is Poland and there are no indications that Polish ships have been used to carry military goods to Cuba.

Among the many details to be worked out is the definition of military equipment. To-

day, officials could not say whether ships carrying tents, army boots, or uniforms would be included in the definition.

In another action related to Cuba, President Kennedy signed the congressional resolution today that authorizes him to use troops if necessary to counter any acts of aggression emanating from Cuba. He also signed the resolution authorizing him to call up 150,000 reservists if needed.

Mr. PROXMIRE. Mr. President, the proposed action is in order also because it has just been revealed that the British plan no law to bar trade with Cuba. According to the New York Times, there is no possibility that legislation will be adopted or will be passed by Parliament prohibiting British trade with Cuba.

I ask unanimous consent that an article entitled "British Plan No Law Barring Trade With Cuba but Will Help United States Otherwise," published in the New York Times of October 5, 1962.

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

BRITISH PLAN NO LAW BARRING TRADE WITH CUBA BUT WILL HELP UNITED STATES OTHERWISE

(By Seth S. King)

LONDON, October 4.—An authoritative source said today that Britain would continue to cooperate with the United States in a search for a formula to reduce the volume of strategic cargoes reaching Cuba in British ships.

There is no possibility, however, the source added, that the British Government will introduce legislation forbidding British ships to call at Cuban ports.

The British have apparently not ruled out the possibility of placing Cuba on the Coordinating Committee's boycott list. It consists of countries to which specified strategic materials may not be shipped by members of the committee.

The Coordinating Committee consists of all the North Atlantic Treaty Organization countries except Iceland—the United States, Belgium, Britain, Canada, Denmark, France, West Germany, Greece, Italy, Luxembourg, the Netherlands, Norway, Portugal, and Turkey. Japan is also a member.

WOULD REPRESENT SHIFT

Although the Committee's boycott list consists of Soviet-bloc countries and Communist China, Cuba is not on the list.

The placement of Cuba on the list would indicate an abrupt change in British policy. In the past Britain has often been a proponent of reducing the numbers of goods barred from sale to the Soviet bloc.

The U.S. plan to keep ships carrying arms to Cuba from calling at U.S. ports would not affect British-owned shipping, a Foreign Office source said.

For 2 years, Britain has refused export licenses to British arms manufacturers who intended to sell their products to Cuba.

"So far as we know, no British ships are knowingly carrying arms from any other sources to Cuba," a Foreign Office official said.

If the United States should bar its ports to ships carrying cargoes other than arms to Cuba, British shipping would definitely be hurt. British shippers are among the chief carriers of oil to Cuba and sugar from there.

British officials do not agree with the contention that by refusing to carry nonstrategic cargoes to Cuba, the West would force the Soviet Union to divert its ships to do this.

Neither does Britain believe that an embargo on all goods and shipping from the West would harm the regime of Premier Fidel Castro.

"We think it might actually stabilize his position," a source said, "giving him a source of sympathy from his own people and a reason to stir them up further against the West."

AGREES ON PRINCIPLE

The official said Britain agreed with the idea of preventing communism's spread from Cuba into Latin America.

"We share your alarm over this possibility," he said. "But we do not agree on the means of combating it.

"Britain is a maritime country. We believe in freedom of the seas, and the U.S. proposals cut directly across some of our oldest traditions."

The British Government does not have the authority to stop the transportation of nonbelligerent cargoes to Cuba by her ships, a Foreign Office source said.

Legislation would have to be adopted by Parliament. "There is neither any possibility that the Government will introduce such legislation nor that Parliament would pass it," the source said.

Shipping is one of this country's largest earners of foreign currency and one of its greatest industries. Nearly 3 percent of Britain's large merchant fleet is now idle, however.

CURBS URGED IN NORWAY

OSLO, October 4.—The Norwegian Shipowners Association has requested its members not to engage in shipments to Cuba. In a statement Monday, the association said that Norwegian ships had carried only civilian cargoes to Cuba.

CANADA PLANS NO BAN

OTTAWA, October 4.—The Government does not plan to forbid Canadian-owned ships to carry cargoes between the Soviet Union and Cuba, the External Affairs Minister, Howard C. Green, said today in the House of Commons.

Mr. PROXMIRE. Mr. President, the New York Times has published today an editorial entitled "The Embargo On Castro," which reads, in part, as follows:

The Kennedy administration, refusing to be stampeded by advocates of direct action against Cuba, has now produced a program that might materially reduce the Soviet bloc's military and economic support without risking an armed collision or violation of international law. * * *

But the United States long ago adopted the embargo policy; and as long as we maintain it in respect to our own trade with the island, there is certainly every reason to try to make it as effective as possible by methods. The present program is in fact an ingenious way of extending this embargo through the control that we exercise over the use of our own ports and over the shipment of goods exported at the cost of the American taxpayer.

I think this action is exceptionally praiseworthy. Because trade with America is of far more importance to shipowners of those countries than is trade with Cuba it will be mighty effective in choking Castro. The coup by the Secretary of State deserves our congratulations. I am mightily heartened by it.

Mr. President, I ask unanimous consent to have the entire editorial printed at this point in the RECORD.

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

THE EMBARGO ON CASTRO

The Kennedy administration, refusing to be stampeded by advocates of direct action against Cuba, has now produced a program that might materially reduce the Soviet bloc's military and economic support without risking an armed collision or violation of international law. This policy was discussed by Secretary Rusk with the foreign ministers of the Organization of American States at a 2-day meeting in Washington this week. It is fundamentally designed to compel foreign shipping companies to choose between the permanently lucrative American trade and the quick short-term profits they are earning by carrying Soviet bloc cargoes to Castro.

When operative, the program would bar from American ports all the ships of any country any one of whose ships was found transporting weapons and munitions to Cuba. So far as is known, the arms already imported into Cuba have in no case been brought there under the flag of a non-Communist country. But there are many vessels of non-Communist lands that have been carrying other types of supplies to Cuba. When the program goes into effect they will be prohibited from loading American cargoes in American ports for their return voyage. This means that in many cases they would be forced to recross the Atlantic in ballast without any payload. Furthermore, the owners of any foreign ships engaged in the profitable trade of carrying American surplus commodities to countries receiving grants-in-aid or loans will stand to lose their contracts if they also trade with Cuba. All U.S.-owned ships, whether flying the American flag or sailing under foreign registries, will be prohibited from engaging in the Cuban trade.

This program was born of the reluctance of many foreign maritime countries, allies of the United States, to abandon their trade with Cuba. On the ground that neither we nor they are at war with Cuba, they claim their undoubtedly legal right to carry peacetime goods to Cuba as usual. Some make the argument that an embargo is not the way to destroy Castro, and that in fact it can boomerang and even strengthen his grip on the Cuban people. This may be true; there is no guarantee that a cessation of trade with Cuba will have the desired effect on Castro.

But the United States long ago adopted the embargo policy; and as long as we maintain it in respect to our own trade with the island, there is certainly every reason to try to make it as effective as possible by peaceable methods. The present program is in fact an ingenious way of extending this embargo through the control that we exercise over the use of our own ports and over the shipment of goods exported at the cost of the American taxpayer. It is another question whether the hoped-for result will be achieved, not to mention the cost in goodwill of our maritime allies.

There can be no doubt that the transformation of Cuba into a Soviet-supported enterprise is a danger to this hemisphere, and the Latin American foreign ministers at the Washington meeting clearly acknowledged this fact. Although their assessment of the methods to be employed to combat this danger varied, they agreed on this important conclusion: "that now more than ever it is necessary to strengthen the system of representative democracy and to redouble the efforts being made to bring harmonious progress to the peoples, and the earliest and most effective improvement in their standard of living, within the framework of the Alliance for Progress, and with the most complete respect for human rights." This statement recognized the essential prerequisite in warding off the political dangers emanating from Castro's Cuba. This is really the crux of the problem so far as Latin America is concerned.

Mr. SMATHERS. Mr. President, I join with the able Senator from Wisconsin in commendation of the Secretary

of State and the administration upon the particular move which they have just made.

There are two other subjects as to which action should be taken promptly. I shall refer to them in a speech which I shall deliver at 2:30 this afternoon. I hope that the Senator from Wisconsin will be here so that we may exchange views.

Mr. PROXMIRE. I thank the Senator from Florida.

THE U.S.-U.S.S.R. ENERGY RACE: A SOBER WARNING

Mrs. NEUBERGER. Mr. President, on September 28, 1962, I placed in the RECORD portions of an article written by Howard Morgan, Commissioner of the Federal Power Commission, in which he discussed his recent trip to Russia.

Today I present for the consideration of the Senate a more detailed report on that trip, in which Mr. Morgan comments especially on the technique of the Russians in long-distance power transmission.

As I read the excellent speech by Mr. Morgan, I could not help recalling that one of our colleagues, the distinguished senior Senator from Louisiana [Mr. ELLENDER], had made successive trips to the Soviet Union, where he visited powerplants. Upon his return, he warned the Senate—and I considered his remarks as a warning—that the Russians were fast creeping up upon us in their production of hydroelectricity and their development of long-distance transmission. I think we owe a special tribute to the Senator from Louisiana for calling this subject to our attention; and these remarks by Commissioner Morgan again remind us of it.

Commissioner Morgan mentions names with which Americans are unfamiliar, names of places which Americans do not know how to pronounce: rivers such as the Yenisei, Angara, and Sungari; Lake Baikal; and cities such as Bratsk, Kuybyshev, Novosibirsk, and Krasnoyarsk. It is in these cities that the Russians have built huge powerplants and on these rivers that they have constructed the biggest power dams in the world. They are places which most Americans probably have never heard of.

I ask unanimous consent to have printed at this point in the RECORD the outstanding address delivered by Commissioner Howard Morgan before the Western States Water and Power Consumers Conference at Portland, Oreg., October 2, 1962.

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

THE U.S.-U.S.S.R. ENERGY RACE: A SOBER WARNING

(Extracts from address by Howard Morgan, Commissioner, Federal Power Commission, before the Western States Water and Power Consumers Conference, Portland, Oreg., October 2, 1962)

About 3 weeks ago I returned from a 2-week inspection trip through Russia, Siberia, and Sweden, in company with Secretary of the Interior Udall, Chairman Swidler, of the Federal Power Commission, Bonneville Power Administrator Charles F. Luce, Gen. R. G. MacDonnel, of the Corps of Engineers, and a group of highly qualified engineering experts in hydroelectric generation and high voltage transmission. The purpose of the trip was to study those two subjects and, in addition, the operation of large integrated power pools.

During the course of the trip, Mr. Khrushchev, in a conversation with Secretary Udall, issued a challenge to the United States to engage in a peaceful energy race with the Soviet Union. The challenge was of course accepted by Mr. Udall, and both the challenge and its acceptance was reported by the press. During the intervening period there has been surprisingly little editorial comment in the United States about this energy race to which we are now committed. Most of the comment I have seen reflects little understanding of the seriousness of such a contest and expresses a comfortable and complacent point of view concerning our prospects.

After a careful examination of the comparative electric power statistics of the two countries I am convinced: that we have already been in an electric energy race with the U.S.S.R. for 15 years, that while we are ahead in that race by a very wide margin, the Russians are gaining on us at an alarming rate, and that the seriousness of the race, together with the possibility that we can eventually lose it, are matters which urgently need informed public discussion in this country. I shall try to make a small contribution toward such a discussion in this talk.

* * * * *

At the time of the revolution Russia was the most backward European nation in the development of electric power, but the total electrification of Russia was at once made the goal, the center and the heart of the industrialization plans laid down then, over 40 years ago. * * * During the twenties and thirties American engineers and contracting firms, together with American generator and turbine manufacturers, worked with the Russians to develop both hydro and steam generation, as well as high-voltage transmission. Lend-lease assistance helped rebuild war-damaged plants and lines, and even built a few new ones for war production during the forties. Since shortly after World War II the Russians have been self-sufficient, and have carried on an increasingly large and rapid construction program unaided; even developing enough capacity to send skilled engineers, technicians and first-rate electric equipment abroad to newly-developing areas. Today, in the generation of electric power, Russia has outstripped not only every nation in Europe by very wide margins, but every other nation in the world as well, except for the United States.

In 1927, the earliest year for which the FPC has statistics, Russia had 1,905,000 kilowatts of installed generating capacity. The United States had passed that figure in 1900. By 1946 Russia had 12,338,000 kilowatts. The United States had passed that figure exactly 30 years before in 1916. But by 1961 Russia had 74 million kilowatts, a figure equalled in the United States only 12 years earlier, in 1949.

The United States is still ahead of Russia by a wide margin, wide enough to give rise to a good deal of self-congratulation in our electric industry. In 1961 we had nearly 200 million kilowatts of capacity; the Russians only 74 million kilowatts. But a closer look at the figures is disturbing. * * * In 1932 we had almost 10 times as much capacity as they; about 43 million compared to 4,675,000. By 1961 this margin had shrunk to less than three times. There are two ways to look at this. Notice that the absolute margin had widened, while the percentage of margin had shrunk. * * *

By 1961 the United States had reached the level of about 333 percent of its 1946 capacity, or an increase of 233 percent. In the same period the U.S.S.R. had reached the level of exactly 600 percent of its 1946 capacity or an increase of 500 percent. Both these rates of growth are impressive and represent great achievements, but the latter figure represents a rate of growth absolutely unparalleled in any 15-year period in the history of the United States or, for that matter, in the history of any other important nation in the world.

* * * * *

The absolute amounts of our yearly additions, while reassuring, are not as important as the percentage of existing capacity which we—and they—add each year. These percentages are ominous.

* * * * *

Mr. Khrushchev knew perfectly well, before he challenged the United States to a race in the field of electric energy, that our capacity is nearly three times that of Russia, and that the annual additions to U.S. generating capacity are currently greater than those being made in Russia. Does this mean, as the complacent executives in our electric industry would have you believe, that Mr. K is out of his mind and has advertised to the world that the Soviet Union has entered a race it cannot win?

I hope I may be pardoned if I remind you that the world has by now formed an entirely different view of that wily old gentleman. He is, as we all have reason to know, an exceedingly well informed man; he knows the stakes that are involved in an energy race between the United States and the U.S.S.R.; and as a master politician he knows very well the risks of outlining policies and goals which are beyond the possibility of execution. It will pay us, if for no other reason than to avoid panic later on, to take a careful look at the same figures he has been looking at and try to understand realistically what he and his system are driving at.

What gives rise to the greatest concern among Americans who have studied these figures carefully, and who have gone to Russia for a look around, is the accelerating pace of the construction the Russians have recently built and the even faster acceleration of their plans for future construction. Both countries are planning and building on curves which rise more steeply each year, but the Russians' curve of actual construction is rising faster now than ours was 12 years ago, when we had the same capacity they presently have. What is more important, they plan to steepen their construction curve more drastically in the years ahead than some people think would be justified in the United States by the demands of our own economy. If this happens, the curves will inevitably converge, intersect, and cross.

Whether this will happen, of course, depends on a complex of economic and perhaps political factors probably beyond the ability of anyone to predict with certainty. But in 1960 a U.S. Senate committee, which toured Russia with engineering staff and studied power matters carefully, reported that "The U.S.S.R. is catching up with the United States in electric power production, the basic field in which supremacy counts heavily in peaceful economic competition or in event of war. * * * The Russians could overtake us in 1975—in 15 years—unless we speed up or they slow down."

Whatever we—or they—actually do in the years to come, I can report that they have not the slightest intention of slowing down.

* * * * *

Take comfort in the fact that so far we seem to be ahead of the Russians in design, size and efficiency of steam generating units, which comprise the bulk of both their own and our power systems. One of our manufacturing concerns is now building a

1,000,000 kilowatt single-unit steam generator, and several 800,000 kilowatt units are in operation, while the Russians are only now building their largest at 300,000 kilowatts. This doesn't seem to bother them, though it actually may; it is hard to tell. They claim they would rather standardize at a moderate size and build more of them, which may or many not be the case. This would not make economic sense in our system but it is sometimes hard to be sure whether the economic factors in their system would produce the same decisions as in ours, even granting that they have the technical capacity necessary for free choice. In any case Mr. Khrushchev, in a recent policy speech, directed his engineers to step up their mastery of larger steam units, and on the basis of past experience we can realistically expect that they will proceed to do so.

But it is in the hydropower (about 20 to 25 percent of their capacity) and in extra-high-voltage and integrated transmission systems that they have made important advances, and this is what we went to see and learn about.

Russia has several very large rivers that dwarf the Columbia in size and power. On the Volga we saw the dams at Stavropol; 2.3 million kilowatts (compared to 1.9 million kilowatts at Grand Coulee) and Volgograd; 2.5 million kilowatts.

* * * * *

At Bratsk, 200 miles north on the Angara from its origin at Lake Baikal, we saw what will presently become the world's largest dam at 4.5 to 5 million kilowatts. It is now about two-thirds complete, already has 200 feet of water behind the dam (eventually it will have 350 feet or so) and is generating power with 5 of what will eventually be 20 generators.

These generators, and the turbines which drive them, are the largest in the world and were especially designed for this dam by L. A. Artemov, an English-speaking engineer now in his sixties who spent several years in America working on lend-lease during the war, has many friends here, and is widely respected in the electrical world. He is in charge of all hydroturbine and generator designs in Russia. Incidentally, as a very young man he built the first hydroplant in Russia, beginning in 1922.

We were able to see some of these turbines and generators being installed. The largest in the United States are at Niagara and have a capacity of 150,000 kilowatts. Those at Bratsk are of 250,000-kilowatt capacity. That means more than 300,000 horsepower is developed by a single turbine on a single, slow-speed shaft. At Krasnoyarsk, 200 miles west from Bratsk on the Yenisei, is a dam we did not visit because construction is just now getting well underway. This dam, when completed, will take the title of "biggest" away from Bratsk. It will generate 6 million-plus kilowatts. Its equipment, also designed by Mr. Artemov but not yet built, will produce 500,000 kilowatts per generator, or more than 600,000 horsepower per turbine. The shafts necessary to take such power are too big to forge in a single piece, so they are made of slabs of foot-thick steel, which are rolled into partial cylinders, welded lengthwise into tubes, heated in soaking pits to relieve welding stresses, and then machined to size—something over 8 feet in outside diameter and about 6 feet inside diameter. The design and construction of these shafts is a real engineering achievement by itself.

It is planned that both the Angara and the Yenisei, as well as a number of other Siberian rivers, will be fully developed from headwaters to their mouths on the Arctic in the next several years, some of the dams being larger than those I have mentioned, and some smaller. But the real giant, one planned for construction beginning 10 or 12 years from now, is on the Lena quite near its delta on the Arctic. Preliminary engineering studies, we were told, yield the astounding prediction of from 20 to 22 million kilowatts to be generated by this single dam. It is expected to electrify the entire Pacific coast of Siberia.

The secret of getting power from such remote regions to the centers of industrial production involves the thorny problem of very long-distance transmission without uneconomic line loss. So far as I can determine the longest lines in the United States are no more than 225 miles from point of generation to load centers. The distances involved in moving Siberian power to load centers are in excess of 1,500 miles. This accounts for the strenuous research and construction the Russians have been doing in the extra-high-voltage field, for in that very difficult technological field lies the answer to the problem.

The heaviest lines actually constructed in this country are at 345,000 volts (345 kilovolts) and there are not many of them. The Russians have for some years been operating 500-kilowatt lines as long as 600 miles, from Kuibyshev to Moscow and from Volgograd to Moscow. In addition, a 500-kilovolt line is in operation from Irkutsk to Bratsk, is being extended from Bratsk to Krasnoyarsk, and before that dam is complete will be extended clear across central Asia to the Ural Mountain area. Work is now going on which will eventually boost some or all of these lines to 750 kilovolts and ultimately to 1,000 kilovolts—1 million volts. All this is alternating current.

Even more challenging, and holding out the promise of even more economies, is direct current, and here too the Russians have heavy lines—eventually planned for 800 kilovolts—in operation from Volgograd to the Don River basin industrial area. We saw all this extra-high-voltage research and construction, including the world's largest direct current laboratory at Moscow, and found it all very impressive.

Finally, we were shown the control center in Moscow where, in a single room, all of the power generated and consumed in European Russia, except for two minor districts which are now being hooked up, is dispatched under computerized control on a single interconnected grid. We have two such interconnected grids in the United States, the Northwest power pool (mainly Bonneville) and the TVA, each controlling about 12 million kilowatts. In the Russian pool is almost 55 percent of the power generated in the entire nation—about 39 million kilowatts. Eventually—in only a few years—this power grid will extend clear to Siberia and will contain virtually all of Russia's national capacity under centralized, automated control. The advantages and economies of this arrangement are very large * * * and make Russian power production capacity significantly closer to ours than the current production and capacity figures indicate.

It seems safe to say that this will be even more true in the future than it is now, unless we increase our pace in this vital area. It is, of course, much more difficult for us to achieve integration than for the Russians, because our power systems are under diverse ownership; but in Sweden, which we also visited, we learned that the entire national electric capacity there is in a single integrated pool, despite the fact that it is about evenly divided between public and private ownership. This was accomplished, we were told, without doing violence to any ownership rights. Perhaps the Swedish system is one we might study with profit.

We have been challenged by the Soviet Union to an energy race and, like it or not, we are in that race. Because energy—electrical energy—is the heart of any industrial system, the outcome of this race may very well determine which nation will eventually command the largest and most productive industrial plant in the world. And it hardly needs to be said that whoever possesses the world's greatest industrial capacity can and will use that capacity to exert economic, political and military leadership in the decades to come. Our adversaries in this contest—the Russian people—are intelligent, determined, well-organized, and have increasingly excellent training and education at their disposal, in addition to abundant natural resources. If one can judge from the available evidence, it will take a great effort for either country to win this race. But the main fact for Americans to grasp at this point is that it is possible for either country—including our own—to lose the race with comparative ease.

A peaceful energy race can produce a better life for Americans, Russians, and everyone else and is certainly preferable to some of the other contests we could get into. But it is important to win such a contest, and if we are to do that we need to step up our pace sharply and keep it stepped up. Those who argue otherwise, in my opinion, are deluding themselves. * * *

We should remember that these are the same Russians our experts told us did not have the manufacturing capacity to fight a modern war. We were told, and we believed, that they didn't have the mechanical ability to maintain and operate modern military equipment in the field even if they could, with our help, produce it, and that they didn't know how to command or supply really large armies in battle. We told ourselves, and believed it, that the secrets of the atom were beyond them. How could we have forgotten that the table of atomic periodicity we studied in high school was—and still is—named the Mendeleyeff table? We were told, and we believed, that even if they should learn those secrets it would take them at least 15 years to assemble the vast manufacturing complex and master the sophisticated, technological processes necessary to make an ordinary atom bomb. As for the hydrogen bomb, that, of course, would require another 10 years or so. Have we forgotten so soon how we stood in our back yards in October of 1957, literally stunned as we watched their first sputnik twinkling in the sunset as it tumbled through space?

I am not suggesting that the Soviet Union is unbeatable in peaceful competition. Our athletes and space teams do very well, after all. But those men will tell you what I am trying to say: anyone who takes the Russians on in serious competition had better be up early in the morning and hard at work.

There is no more serious competition short of war, in my opinion, than the electric energy race to which Mr. Khrushchev has challenged us. His best engineers have given us a sober and candid statement of exactly what they plan to do and even when they plan to do it. I, for one, do not want this Nation to be lulled to sleep by the complacent among us, and then to be told 10 years from now by the same people, their complacency gone and their hair standing on end, that the only way we can stay ahead of the Russians is to adopt harsh, repressive, and dangerous economic and military measures.

I believe a free economy can meet this challenge. Whether it will do so depends, it seems to me, on how we use the time and opportunities remaining to us. Our first task is to understand now what is happening, while there still remains time to achieve the more rapid industrial growth which President Kennedy has advocated for so long. If we don't understand now, if we don't make the effort now, we can expect some very bad news in the future.

We all know the saying, "Don't look back; they might be gaining on us." We don't need to look back. They are gaining on us.

AMERICAN SPORTS LEADERS ENDORSE SENATOR HUMPHREY'S PROGRAM FOR FITNESS AND OLYMPIC VICTORY

Mr. HUMPHREY. Mr. President, I have previously brought to the attention of the Senate the need for, first, a national fitness program, including the establishment of, in effect, a U.S. Fitness Foundation; second, a city-county-State-regional national program of athletic competitions in preparation for U.S. victory in the 1964 Olympics; and third, mediation of the now conflicting approaches of major U.S. athletic groups as to who will be in charge of what for future Olympics.

APPROVAL FROM ALL OVER UNITED STATES

My statements in the Senate were made on September 12, 1962, and September 25, 1962.

In the brief period which has elapsed, I am delighted to report, a vast and virtually unanimously favorable reaction has been received.

COMMENTS BY ADMIRAL HAMILTON

One of many such incoming messages has been from Rear Adm. Thomas J. Hamilton, former chairman, Olympic Development Committee, former head football coach of his alma mater, the U.S. Naval Academy, and former athletic director, University of Pittsburgh.

Admiral Hamilton, now executive director, Athletic Association of Western Universities, wrote to me on September 21:

> I wish to congratulate you on the excellent message you gave in support of American sports and fitness.
>
> I agree with you wholeheartedly that greater efforts should be exerted on these important issues.
>
> I quite agree with you that the national defense education law should provide greater backing for physical education and physical fitness activities. The physical education and coaching profession needs more encouragement, and there should be greater incentives to induce worthy young people into this profession.

Admiral Hamilton added this view with respect to the AAU–NCAA dispute:

> I firmly believe that the Nation's interest calls for a reorganization of the athletic administration of the Olympics and our international sports. The new federations are a step in that direction, but I do not feel we have enough time for the slow process to take place.

WARM REACTION FROM COLLEGE LEADERS

In another welcome message, Mr. Al Duer, executive director, National Athletic Intercollegiate Association, Kansas City, Mo., phoned to convey his interest in harmonizing of the views of the divergent groups. NAIA well represents smaller colleges throughout the Nation, I may add, including those of my own State. A followup letter by Mr. Duer will appear in the RECORD, following my remarks.

Minnesota sports leaders, active in NCAA, have likewise indicated favorable reaction to my appeal.

OFFICIAL REACTION FROM HEALTH, EDUCATION, AND WELFARE DEPARTMENT

On the official front, in response to my inquiries, Secretary of Health, Education, and Welfare Anthony Celebrezze has emphasized his intention to strengthen and speed our Nation's fitness effort.

I am looking forward, therefore, to specific new actions on the part of such organizations as the U.S. Office of Education and the U.S. Public Health Service, including the National Institutes of Health. Fitness must become a 365-days-a-year responsibility of specific officials and units within HEW, as within other departments—not just a part-time, once-a-year or twice-a-year report-gathering task.

MEETING WITH U.S. OLYMPIC COMMITTEE

I have been particularly glad to meet in person with numerous individuals who have dedicated their lives to both the fitness and the Olympic program. I refer, for example, to members of the U.S. Olympics Committee, including Mr. J. Lyman Bingham, its able, longtime executive director; Arthur C. Lentz, assistant executive director; and Edward Rosenblum, Washington representative.

Meanwhile, however, no American could read the "United States 1960 Olympic Book," containing the Quadrennial Report of the U.S. Olympics Committee, without feeling a sense of pride in our American sportsmen's achievements.

The report documents American honors in the Rome Olympiad in 1960, in the Olympic Winter Games at Squaw Valley earlier that year, and in the 1959 Pan-American Games in Chicago.

I should like to note, too, that I have been happy to hear from the Amateur Athletic Union of the United States. The contributions made by the AAU to sports and fitness in our country are too well known to require reiteration.

REPRINTING OF LETTERS

I ask unanimous consent that letters from the following individuals be printed at this point in the RECORD:

Secretary of Health, Education, and Welfare Celebrezze.

Louis J. Fisher, president, AAU—together with an enclosed statement of policy.

A. O. Duer, executive secretary-treasurer, NAIA.

H. Dan Corbin, past vice president, recreation division, American Association for Health, Physical Education, and Recreation, Washington, D.C.

A great Olympic champion, Rafer L. Johnson, now national director, university people-to-people program, located in Los Angeles.

Two State fitness chairmen, Allen P. Jeffries, in Boise, Idaho, and George W. Ayars, in Dover, Del.

Richard L. Brown, assistant director, safety service, water safety, American National Red Cross.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, September 26, 1962.

Hon. HUBERT H. HUMPHREY,
Chairman, Subcommittee on Reorganization and International Organizations, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR SENATOR HUMPHREY: Thank you for your letter of September 13. I have read with interest the material you enclosed.

As Chairman of the President's Council on Youth Fitness, I share your concern for the physical fitness of American youth and adults, and your belief that much can be done to improve it. We have accomplished a great deal in the past year. Much more will be done as new programs of the Council, now being developed and published, are implemented across the country.

I also share your desire to move ahead rapidly, and I know we seek the same fitness goals for all our citizens, young and old. I will be pleased to have your cooperation in strengthening and speeding our fitness effort, and have so advised my staff.

With every best wish.

Sincerely,

ANTHONY CELEBREZZE,
Secretary.

AMATEUR ATHLETIC UNION
OF THE UNITED STATES,
High Point, N.C., September 27, 1962.

Senator HUBERT H. HUMPHREY,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: Since my return from a meeting of the international track federation in Belgrade, Yugoslavia, I have had an opportunity to read and study your remarks on the floor of the U.S. Senate September 12 reprinted in the CONGRESSIONAL RECORD under the title "A Five Point Fitness Program for America, including a (Private) Olympic Foundation With a National Goal for Victory."

You would have been heartened at the great respect and admiration shown the representatives of the Amateur Athletic Union of the United States at this meeting. I know that you have read in the newspapers where the International Amateur Athletic Federation endorsed the Amateur Athletic Union of the United States 100 percent for its administration of the sport in this country and passed without a dissenting vote a resolution aimed at the unlawful acts of an insurgent group in this country which group wasn't mentioned by name. One of the important points in the resolution was that the "IAAF reaffirms its constitutional and traditional concern that amateur athletics be controlled by amateurs for the benefit of amateur athletes."

Your remarks were so pertinent to the amateur athletic picture in the United States that I am enclosing an official statement from the Amateur Athletic Union of the United States in which we have answered your plea "to encourage the able but rival U.S. athletic groups to end what has been called a little cold war." We have been earnestly trying to accomplish this end for more than 2 years. But our efforts at a reconciliation with the National Collegiate Athletic Association have been repeatedly turned aside almost without comment.

It would be appreciated if this official statement from the Amateur Athletic Union of the United States could be placed in the CONGRESSIONAL RECORD. Also, the Amateur Athletic Union would welcome an opportunity to discuss the administration of amateur athletics with you. Our ideas and objectives coincide.

Sincerely yours,

LOUIS J. FISHER,
President.

OFFICIAL STATEMENT OF THE AMATEUR ATHLETIC UNION OF THE UNITED STATES BY LOUIS J. FISHER, PRESIDENT

The Amateur Athletic Union of the United States is the only amateur sports organization in the Nation in which membership is open to every man, woman, boy and girl regardless of age, sex, color, creed, educational or military status. We have been proud of our "open door" policy ever since the union was founded 75 years ago. In our adminis-

tration in the field of amateur athletics we have 28 allied organizations, including the NAIA, an organization of 465 colleges; the YMCA; the Catholic Youth Organization; the National Jewish Welfare Board; the Intercollegiate Association of Amateur Athletes of America, an organization of over 80 eastern colleges.

Until 1960 the National Collegiate Athletic Association had articles of alliance with us. We mutually respected each other. In a series of meetings over the last 2 years, the Amateur Athletic Union has made an earnest effort to resolve the problems that have been conjured up by the National Collegiate Athletic Association.

Every offer has been turned aside flatly as the National Collegiate Athletic Association continued to plot the overthrow of the duly constituted authority in the United States for nine Olympic sports and international competition in those same sports outside of Olympic competition. The National Collegiate Athletic Association has continued its power-grabbing drive built on a thesis of "rule or ruin."

The Amateur Athletic Union is reassured by the strong endorsement of its administration from the International Amateur Athletic Federation at the time of its congress meeting at Belgrade, September 17. We implore the National Collegiate Athletic Association to cease sponsorship of its proposed puppet United States Track and Field Federation.

As clear-thinking Americans, we are in complete disagreement with the federations' attempted method of making a change. They are stampeding their members from many of the Nation's best known educational institutions into a revolution against a recognized sports governing body which follows long-established rules and procedures that are worldwide regulations imposed on all members of these international organizations. The method underlying the formation of the federations is wrong, regardless of any merits in its objective. They are not content with an evolution by due process of law which can be accomplished within the existing framework of the Amateur Athletic Union. The backers of the federations, representing the National Collegiate Athletic Association, are afraid to test their plans in a democratic procedure.

The Amateur Athletic Union is an open and democratic organization. The proponents of the federations can accomplish every objective which they have listed merely by returning to the Amateur Athletic Union where they have always been welcome. We sincerely believe that amateur sports in America will be stronger than ever with the return of the members of the National Collegiate Athletic Association. We represent the American people in the administration of amateur sports. No reprisals would be in order. On the contrary, we believe these representatives of the Nation's large colleges should take a more active part in our operations in order to present a stronger front in amateur sports.

May we point out that there is no machinery in the organization of the International Amateur Athletic Federation to permit the U.S. Track and Field Federation a hearing of any kind until after the Olympic games in Tokyo in 1964. This proposed organization in the United States has been designed to torpedo the chances of the United States for victory at Tokyo. And they want to blame the Amateur Athletic Union and thereby put the AAU out of business—this is the fact which must be made known to 187 million Americans.

The Amateur Athletic Union has always considered our young athletes the most priceless "commodity" at our command. We shall battle every inch of the way to preserve the eligibility of these young men and women within the existing regulations of the International Amateur Athletic Federation. It must be understood that the International Amateur Athletic Federation has sole jurisdiction over the conduct of the track and field events at the Olympic games. Also, only its members in more than 100 member nations can certify the eligibility of individual team personnel to the national Olympic committees around the world. The U.S. Olympic Committee has no jurisdiction over the eligibility of individual men and women and also has no jurisdiction over the conduct of the Olympic games.

At the recent congress of the International Amateur Athletic Federation, a motion was passed without a dissenting vote declaring ineligible for the Olympic games any athlete competing in any open meet which is not sanctioned by the Amateur Athletic Union.

The Amateur Athletic Union is proud of the performances of athletes under its jurisdiction at the 1960 Olympic games, as well as in recent international competitions with the U.S.S.R.

Our men and women track and field representatives bettered every performance by an American in previous Olympic games. Our men garnered nine gold, eight silver, and five bronze medals against 5-4-4 for the U.S.S.R. We clearly dominated the track and field competition as have every group of Amateur Athletic Union representatives competing in the modern Olympic games since 1896.

Our men and women swimming teams never performed better in the Olympics. The men won 6 of 10 gold medals, adding 4 silver and 3 bronze, thereby earning 13 medals out of a maximum number of 18 (we were only permitted 18 swimmers, 2 each for 9 events). The teenagers on the women's swimming team wrested laurels from Australia by winning five of nine gold medals, as well as three silver medals.

The United States shared top honors with Italy in boxing, each nation winning three gold medals. A summary of the boxing events would show that our representatives won 26 of 33 bouts.

The wrestlers also came up with their best performance in the postwar years by winning three gold medals in the freestyle competition. This performance by our freestyle wrestlers, all natives of Oklahoma, would have to be considered the most pleasant surprise for U.S. forces in the 1960 Olympics.

Basketball continued to be dominated by the Americans. We have never lost an Olympic basketball game. These men play under the jurisdiction of the Amateur Athletic Union.

Our weightlifters bettered every Olympic record set in 1956 at Melbourne and finished second to the U.S.S.R. forces which have made great strides in this sport.

Immediately upon the completion of the 1960 Olympic games, the Amateur Athletic Union of the United States began planning for the 1964 Olympics by instituting a full program of Olympic development events in those specific events in which the United States is considered subpar internationally. From reports received this summer, our athletes are displaying marked improvement over 1961, which figures indicated an improvement over what our athletes accomplished in Rome.

The AAU has shouldered the responsibility for shoring our weakness.

One word about swimming. After our performances in the 1948 Olympics, the Amateur Athletic Union embarked on an ambitious crash program known as age group swimming to put the United States back on top. Mr. Robert J. H. Kiphuth, retired swimming coach at Yale University and former Olympic coach, has attributed the resurgence of the United States in swimming to the Amateur American Athletic Union's age group program for boys and girls. Every member of the U.S. men's and women's Olympic team in swimming was either a graduate of or a current competitor in the age group swimming effort, expanded from 10,000 in 1949 to a quarter of a million youngsters swimming competitively, between the ages of 10 and 17, in 1962.

The Amateur Athletic Union also sponsors a broad-scale, mass participation AAU Junior Olympics program which embraces track and field, swimming, gymnastics and wrestling. In this way to strive to interest youngsters in these Olympic sports starting at age 10. No other single sports organization has adopted a similar program. Also the Amateur Athletic Union is the sole organization authorized by the U.S. Olympic Committee to use the word "Olympics" in any endeavor.

We recognize that sports are one common denominator for every nation. Furthermore, the Amateur Athletic Union recognizes a challenge in that other nations are developing at a faster rate than we; however, our athletes continue to register improved performances in international competition in every single sport under the jurisdiction of the Amateur Athletic Union.

Perhaps the greatest strides in the last 8 years have been in the field of gymnastics. The United States now ranks with the five top nations in the world. This improvement reflects the encouragement and opportunity for national and international competition provided by the Amateur Athletic Union for the many proficient young men and women gymnasts in our country. Of all the amateur gymnastic organizations in the Nation, only the Amateur Athletic Union continues to stress the Olympic and international program of events.

The promotion of international-style gymnastics has been carried on by the Amateur Athletic Union in spite of the laisseb flaire policy of our Nation's colleges affiliated with the National Collegiate Athletic Association.

Over the years the Amateur Athletic Union has played a prominent role in showing municipalities how to increase recreational facilities by the constructon of gymnasia, playgrounds, and swimming pools. We have also exerted considerable effort in promoting organized sports at the local level through our municipal facilities.

The Amateur Athletic Union is proud that it has always recognized the importance of promoting women's athletics. For many years, women's athletics—as limited as they were—were "unwanted." It was in 1922 that the Amateur Athletic Union voted to assume jurisdiction over all women's sports it now administers (basketball, swimming, synchronized swimming, gymnastics, and track and field) since no other amateur sports organization had accepted the challenge. Through the efforts of the Amateur Athletic Union, these sports for women are now included on the Olympic program. The National Collegiate Athletic Association has never expressed the slightest interest in helping to promote women's sports among its member institutions.

The Amateur Athletic Union heartily endorses the proposal of Senator HUBERT H. HUMPHREY for statewide Olympic-type competition. In fact, in accepting the presidency of the Union last December such a program was strongly urged to help promote State pride in our athletic program. Such a program represents a natural outgrowth for the many programs now in existence.

Senator HUMPHREY's recommendation for the establishment of a private Olympic Foundation has merit. As this concept is developed it should be propqsed that the funds be administered by the various sports governing bodies holding the United States membership in the international federations, such as the Amateur Athletic Union. (See Appendix.) These funds should be used to develop those sports and those specific

events in which we are weak against international foes.

The Amateur Athletic Union's men's track and field squads are undefeated in four dual meets with the U.S.S.R. This has been the most active track and field campaign for international competition in the history of the AAU. In addition to the meets against Poland in Chicago and the U.S.S.R. at Palo Alto over 100 AAU athletes have competed with great success in almost every European country and Japan and Central America. Our basketball teams have always shown superiority against the U.S.S.R. This year we are readying a strong men's basketball team to bring the world championship back to the United States after the tournament in Manila, December 1–15. Our men and women swimmers continue to dominate every nation in international competition. The gymnasts of the Amateur Athletic Union continue to win new friends for the United States with their fine performances abroad. This summer a group of high school wrestlers from Colorado and Oklahoma, under the direction of the Amateur Athletic Union, won all eight team matches in Japan against the finest high school wrestlers in that country.

We are striving for the same goal—victory at the Olympics. The Amateur Athletic Union values its membership on the U.S. Olympic Committee. The responsibilities of the membership is translated into an all-out effort in international competition in the years between the Olympic games.

APPENDIX

U.S. member of International Federation and sports concerned

Amateur Athletic Union of the United States is the U.S. member in the following international federations: Basketball, bobsledding, boxing, gymnastics, judo, swimming, track and field, weightlifting, wrestling.

National Archery Association: Archery.

U.S. Modern Pentathlon Association: Biathlon and modern pentathlon.

American Canoe Association: Canoeing.

American Bicycle League of America: Cycling.

American Horse Shows Association: Equestrian.

Amateur Fencers League of America: Fencing.

Field Hockey Association of America: Field hockey.

U.S. Figure Skating Association: Figure skating.

Amateur Hockey Association of the United States: Ice hockey.

U.S. Rifle Association: Pistol shooting.

National Rifle Association: Rifle shooting.

National Association of Amateur Oarsmen: Rowing.

National Ski Amateur Association: Skiing.

U.S. Soccer Football Association: Soccer.

Amateur Skating Union of the United States: Speed skating.

U.S. Lawn Tennis Association: Tennis.

U.S. Volleyball Association: Volleyball.

North American Yacht Racing Union: Yachting.

NATIONAL ASSOCIATION OF INTERCOLLEGIATE ATHLETICS,
Kansas City, Mo., October 2, 1962.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUMPHREY: I am very appreciative of your taking the time from your exceedingly busy schedule to write me. I appreciated talking to Mr. Julius Cahn a few days ago. I thoroughly enjoyed reading your thoughtful and most challenging statements in the interest of the fitness of American youth and the great crisis we face in the upcoming Olympic games.

Mr. Cahn inquired regarding our member institutions in Minnesota. You will be interested to know that 14 Minnesota colleges hold membership in NAIA as follows:

Augsburg College, Bemidji State College, Bethel College, College of St. Thomas, Concordia College, Gustavus Adolphus, Hamline University, Macalester College, Moorhead College, St. Cloud State College, St. John's University, St. Mary's College, University of Minnesota (Duluth), and Winona State College.

NAIA has a total membership of 460 educational institutions in 32 geographic districts and sponsors 11 national championships in as many sports. Our membership is composed of institutions of small and moderate enrollment. The major aim of our organization is that the athletic programs be an integral part of the total educational program of the institution, rather than to become an almost separate promotional or commercial adjunct.

My college training was in the field of physical education but my interest in competitive athletics led me into coaching, with some 8 years in high school administration. I feel, however, that I am more fortunate than many coaches in having the privilege of remaining in athletics after 10 years of collegiate coaching and athletic-physical education administration.

I had the privilege of serving 4 years as a member of the President's Council on Youth Fitness. I feel that much was accomplished in those early years in making the American people aware of the growing lack of fitness in our youth and in stressing the urgent need of concentrated effort to build a physically fit young America. However, I am equally concerned at the apparent loss of ethical and moral fitness of our youth—and adults. I feel that while physical fitness of youth is mandatory, without equally significant moral and ethical strength, physical strength alone will not assure the moral courage to sacrifice for our way of life nor the will to stand firm for our democratic ideals.

The serious conflict in amateur athletics is cause for the gravest concern. Strong and wise leadership is needed immediately to prevent even greater conflict and possibly irreparable damage to our national unity in sports. Few areas of our way of life are considered as so indicative of our national strength and prestige as is our competitive sports program. The Olympic games is second only to the space challenge as a major issue in the cold war. We have no choice, therefore, but to immediately put aside our petty differences and our selfish power motives to unify to accept this challenge. Unless this is done the damage will soon be so great that we cannot regain our full strength within the next few years. Programs are planned to be staged soon which will make a compromise more difficult. Every day we pursue the present course makes unity more difficult.

NAIA is not a major influence in this conflict since our membership is composed of colleges of small and moderate enrollment. We lack the strength which comes from gate receipt income and status. However, because of our firm convictions on the basic issues, we have, perhaps, been more directly in the middle of this growing crisis than any except the two major athletic powers. We have, in fact, too often found ourselves in danger of being crushed between these two giants of the athletic world.

I am completely in agreement with your statements affecting the imperative of a broad physical fitness program for all American youth as well as the absolute necessity that we effect a unified and efficient national organization to meet the increasingly difficult challenge of winning the Olympic games. I feel there is some danger in our placing before our total American youth that they must win every contest or they have failed, with no recognition for one's doing one's very best. However, we are literally in a "fight for our very lives" with communism and, given proper organization and unified effort, we can win the Olympic games without sacrificing values which are even more important to our protecting our free way of life.

The primary function of the educational institution is not the development of highly skilled athletes sufficient to support the growing professional athlete development in America nor even to concentrate upon dominating international competition, if by that process we are forced to lessen our emphasis of other values necessary to the development of the highest ethical and moral character and the idealism for great sacrifice for freedom. Should we lose these latter values, despite our physical strength, we will surely lose our vision and courage within our citizenry and leadership. However, if we develop an efficient and broad national program where every amateur athlete has equal opportunity to participate, we can develop skilled athletes with dedication to win.

This issue is pinpointed at this time and we find ourselves completely disorganized, with selfish interests making a travesty of our strength of our way of life. Let me point out that my observation leads me to believe our failure in idealism and moral courage is not in athletics alone but amateur athletics is the major experience which can instill these qualities in our youth. Again, physical fitness is a key imperative to our total strength.

A major issue in this regard is our struggle to maintain a strong and attractive amateur program in the United States. The concentration of interest and enthusiasm in support of all areas of professional sports is also threatening our amateur strength. Hundreds of athletes who would make our job easier were they to remain amateur and concentrate on sports involved in international competition are being drained off to professional sports. We must unite to revitalize our amateur program in the Nation. Our sports fans are dissipating this strength to a support of professional sports. We are in danger of becoming a strong professional rather than strong amateur sports nation. This has placed a stronger emphasis upon our college programs by the weakening of our after college amateur sports program.

There is little point at this stage in reviewing the issues which have caused the conflict. No doubt each of the major powers has some justification for their stand. Our organization has not been in full support of either organization. However, with our decision not to become a part of the "federation" movement, we were naturally in a position of seeking recognition and participation through the AAU.

We believe that the development of the "federation" program was not wise and in the best interest of the total amateur program of sports in America. We feel the major aim of the federation was to gain a balance of power over the AAU. This is indicated by their willingness to wreck the strength of the United States for the next Olympic games in order to gain their ends.

All other amateur groups were forced to take sides without any opportunity to have a part in compromising the differences. It was the original intent of the federation movement to administer the total amateur program in the United States, even to administering a program for athletes after their graduation from college. We feel this is not the function of our educational institutions and that they could not successfully carry out this program successfully.

The Amateur Athletic Union is an organization which encompasses all amateur

groups. This is the only group which is so constituted that it can perform this function. It is no doubt true that, because of long administration and the success of our program in international competition until very recently, the AAU became careless and their leadership became domineering and centered in a few powerful men. This is a trend which all successful organizations follow over a long period of years.

The program you suggest of an "Olympic Foundation" whereby leaders in all walks of life organize to strengthen our national effort is a very pertinent one. This is very similar to the original intent of the Amateur Athletic Union. At present we are bogged down in a power struggle steeped in bitter emotionalism fostered by personalities and prejudices. There is surely an urgent need that some force instill new vigor and unity in our present amateur program. We need new blood, new dedication, and a far broader interest from leaders of all walks of life to meet the challenge.

We have found the AAU to be a strong supporter of our program through the years. They are at this time giving us the first opportunity we have had to have active participation in interorganizational matters affecting our amateur sports program. For reasons which I will not mention here, the NCAA has constantly refused to approve our having any part in interorganizational committees on the national level. There is much evidence at this time that the AAU is revitalizing its program and, with new leadership, I believe they can again become a strong and vital organization.

A key issue is that of representation on international sports federations. Again, the fact that this is an issue indicates selfish organizational motives. International organizations are openly critical of the subsidy to athletes program in our educational institutions. In addition, international rules declare all coaches "professionals" and thus ineligible for representation on international bodies.

The international picture is very difficult to understand. We often feel we are very powerful but in a meeting with approaching one hundred nations, our voice becomes only one of many. Changes come very gradually because of language difficulties and vast differences in philosophies. Therefore, in the immediate, it appears we must gear our amateur administration to such policies as are approved by these international bodies. However, we do have the right to determine what organizational pattern we follow in the United States, so long as it adheres to the international policies.

I firmly believe the best interests of our amateur program will be served by a broad all-encompassing national body, with major leadership from all walks of life rather than concentrated in professional sports leaders.

You are fortunate to have an administrative assistant who can read such long dissertations as this and simply mark two or three sentences for your reading.

It is my conviction that, with immediate strong leadership, a compromise can be effected before our amateur athletes are harmed seriously. I believe any meeting to work out this critical problem should involve more than the two major sports bodies and include all amateur bodies involved in this problem. I believe that many in both organizations, who are becoming more alarmed each day at impending developments, will be willing to try to effect a compromise.

Our organization stands ready to cooperate in any way possible to bring unity and avoid disaster to our amateur program. Our voice is small but, like the United Nations, small voices often sway the balance on the side of wisdom and sacrifice of organizational differences to the common good.

Again, thanks for your prompt reply to my call. I believe the urgency of this crisis demands immediate action. Only a few weeks until the federation plans on holding events which will further widen the breach.

I apologize for the long statement.

Sincerely,

A. O. DUER,
Executive Secretary-Treasurer, National Association of Intercollegiate Athletics.

STATEMENT OF A. O. DUER, EXECUTIVE SECRETARY OF NAIA RE PROPOSED NCAA FEDERATIONS

It is the decision of our organization (NAIA) that we will not become a part of the federation movement, but will continue to support, and use our influence to bring about, a unity of all organizations within the framework of the Amateur Athletic Union.

We believe this is in the best interest of the future of our national amateur program. This position of our executive committee is not taken out of selfish organizational motives, but on the firm conviction that a unity of all major organizational interests must be achieved, rather than a destruction of our program through the present conflict.

We believe the present development of federation groups in open defiance of, and without consideration to, the Amateur Athletic Union, which has long been recognized as the "parent body" by the international governing bodies of the sports involved in this crisis, is indicative of power motives rather than a sincere concern for our national amateur program and the thousands of amateur athletics in America.

This is not to say that all coaches and organizations that have alined themselves with this federation attempt are attempting a "power grab." Many, particularly from the track group, are sincere about this move. It is our opinion, however, that the overall result of this federation movement will be many years of frustration of national unity and sports strength.

NOTE.—NAIA has 460 members—all 4-year, degree-granting, accredited colleges. NAIA sponsors 11 national championship sports events, including the oldest national intercollegiate championship basketball tournament (1937).

THE AMERICAN ASSOCIATION FOR HEALTH, PHYSICAL EDUCATION, RECREATION,
Washington, September 27, 1962.

Hon. HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D.C.

DEAR SIR: It is with extreme gratification that I have been reading your splendidly conceived memoranda dealing with physical fitness for America.

The insight you display and the recommendations for the correction of some of the difficulties extant reflect on unusual grasp. By all means, the need for broadening the scope of the National Defense Education law so as to make available "long-needed assistance to the States to foster excellence in physical education" is a crying need of our times. The placing of the President's Council on Youth Fitness on a permanent basis would also add stature as well as stability to this vital national effort. In this regard, the broadening of our fitness effort to encompass the adult population would add immeasurably to this worthwhile arm of the Government. Implementation by way of increased opportunities in the out-of-doors, parks, playgrounds and seashore facilities is indeed an essential if our efforts are not to fall short of success.

All of us in the American Association for Health, Physical Education, and Recreation fully appreciate and sense the inestimable impetus that your intelligent support and initiative is providing toward the realization of a more fit America. Please do not hesitate to call on us as individuals or collectively at any time.

Respectfully yours,

H. DAN CORBIN,
Past Vice President, Recreation Division.

UNIVERSITY PEOPLE-TO-PEOPLE PROGRAM,
Los Angeles, Calif., September 26, 1962.

The Honorable HUBERT H. HUMPHREY,
U.S. Senate,
New Senate Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: Thank you very much for sending me the information concerning the 5-point program for youth and adult fitness.

I have a very deep interest in physical education, recreation, and fitness and I agree with and appreciate the things you are doing along these lines.

Concerning the Olympic games, I think it is extremely important that we field our best team. The emphasis that President Kennedy has placed on fitness, along with your interest, will help us achieve national excellence in sports competition.

I would appreciate it very much if you would keep me informed on the progress of your program.

Sincerely,

RAFER JOHNSON.

STATE OF IDAHO,
DEPARTMENT OF EDUCATION,
Boise, October 1, 1962.

Senator HUBERT H. HUMPHREY,
Chairman, Senate Subcommittee on Reorganization and International Organizations, Old Senate Office Building, Washington, D.C.

DEAR SENATOR HUMPHREY: I have just finished reading for the second time your speech of September 12 concerning physical fitness for Americans. This time I have read a reprint and note that additional copies of this can be secured by requesting same through you. I should very much like to have thirty (30) additional copies of this reprint (H-9-5-62) in order that I may provide the members of our State physical fitness committee with copies, together with some leaders in this field throughout the State.

I think your remarks are very timely and I do hope that the Congress of the United States will not ease up on this but will keep pushing, and will keep the States pushing until adequate programs are available for youth and adults and until a full recognition of the recreational needs of the people of this Nation are acknowledged.

Sincerely yours,

ALLEN P. JEFFRIES,
Chairman, State Physical Fitness Committee.

STATE OF DELAWARE,
DEPARTMENT OF PUBLIC INSTRUCTION,
Dover, October 3, 1962.

The Honorable HUBERT H. HUMPHREY,
U.S. Senate, Washington, D.C.

DEAR SENATOR HUMPHREY: Your mighty fine speech of September 12, 1962, in the U.S. Senate in connection with youth fitness and your proposed Olympic Foundation has just come to my attention.

I commend you upon this excellent congressional statement and your high interest in the physical fitness of our children and youth.

I hope your efforts will inspire your colleagues to match your active support in supplying the needed legislation to obtain

the necessary financial aid to carry out your fitness program in action.

The best of best wishes to you for continued good health and success in your physical fitness and education efforts.

Sincerely yours,

GEORGE W. AYARS,
Director, Health, Physical and Driver Education.

THE AMERICAN NATIONAL RED CROSS,
Washington, D.C., September 25, 1962.

Hon. HUBERT H. HUMPHREY,
New Senate Office Building, Washington, D.C.

MY DEAR SENATOR: In view of your interest in the President's physical fitness program as expressed in the news release covering your five point program for youth and adult fitness, we would like to call the Red Cross "Swim and Stay Fit" program to your attention.

As you may know, the Red Cross has been teaching swimming and lifesaving skills since 1914. It has issued some 23 million certificates in water safety since that time. However, in view of the national emphasis being given to physical fitness and because swimming has long been recognized as one of the best activities for building and maintaining strength and vigor, it was deemed appropriate that the American Red Cross expand its water safety program to include the "Swim and Stay Fit" activity. Inaugurated officially during September of 1961, its objective is to encourage people to swim regularly and frequently in segments of 440 yards until 50 or more miles are reached. Two of the first finishers were a man 74 years old and a boy of 15 years. As of December 31, 1961, there were 5,793 persons enrolled in the program and at that time they had clocked 31,183 swimming miles. Based on the enthusiasm and participation of additional thousands of Americans this year, we anticipate that swimmers of all ages participating in the "Swim and Stay Fit" program will exceed 500,000 swimming miles by the end of 1962.

We are writing to call this program to your attention, since we feel you will be interested in knowing about it.

Sincerely,

RICHARD L. BROWN,
Assistant Director, Safety Services, Water Safety.

AAU CRITICISM OF NCAA NOT ENDORSED

Mr. HUMPHREY. Mr. President, with respect to the AAU's letter, I should like to state that it responds very graciously to my various suggestions.

The letter is, however, very critical of the National Collegiate Athletic Association.

How justified the criticism may be can only be judged by those who have far more familiarity with this subject than a busy Member of the Congress.

The AAU letter, including the criticism and the NAIA letter are reprinted herein—not because I wish to take sides in this issue; that would be neither fair nor sound—but rather because I believe in far more public ventilation of the problem than has thus far occurred.

By way of background, I had sent copies of my previous statements urging reconciling of AAU, NCAA and the federations to all of these groups. This was only recently, as I have not yet received official comment from several leading sources such as NCAA or the U.S. Track and Field Federation.

I feel confident that I will be hearing from them, because I know how deeply they feel on behalf of their position.

If such a reply comes in before Congress recesses, I shall be more than happy to print any rejoinder which they might wish to submit.

All sides of this issue should, I believe, receive fair and equal recognition and review.

Since Congress is about to adjourn, however, I do not wish the opportunity to be lost for the presentation of attest such messages as have thus far been received.

Let me reemphasize that it would be impossible for a Member of the Congress or any other layman who has not been in day-to-day touch with this situation to attempt to evaluate the rival groups' positions.

NCAA has been a great and constructive force in American sports. The University of Minnesota, like other great universities of our land, wants to see their position, their views on NCAA and the U.S. Track and Field Federation duly considered. I share their desire completely.

Let the debate take place; but then, let us get on with agreement toward unity.

That is Minnesota's and, I am sure, all America's view.

THE HISTORIC WHITE HOUSE CONFERENCE ON NARCOTICS: A PRECEDENT FOR A FUTURE CONFERENCE ON ALCOHOLISM

Mr. HUMPHREY. Mr. President, on Friday, September 28, 1962, it was my privilege to join in one of the most important sessions in the history of American law enforcement.

I refer to the First White House Conference on Narcotics.

The holding of this session will, I believe, in time to come, be viewed as a landmark in the opening of an era of enlightenment on the narcotic abuse problem.

WORK OF THE PANEL ON LEGISLATION

It was my personal pleasure to serve as Chairman of the Panel on Legislation. We heard outstanding statements on where we now stand as regards Federal, State, and local statutes and the direction in which we should be moving.

The "leadoff" statement was made by the distinguished Senator from Connecticut [Mr. DODD]. He spoke on the basis of the intensive study which has been carried out by the Judiciary Subcommittee To Investigate Juvenile Delinquency, of which he is chairman. He reported on the results of a questionnaire which he had circulated throughout the Nation. He had thereby compiled the frank reactions of judges and other authorities. Overwhelmingly, they disapproved, for example, of rigid, mandatory sentences against narcotic offenders—other than organized gangsters. Senator DODD not only cited "grassroots" viewpoints, but he presented a personal statement of humanitarianism and enlightenment which was very inspiring.

Thereafter, we heard contributions from other experts, each qualified by a variety of background and experience. The Senator from New York [Mr. KEATING] helpfully described, for example, the procedure contemplated in his pending civil commitment bill.

We heard excellent statements on the problem as viewed from New York by the very able former U.S. attorney, Robert Morgenthau, and from California, as viewed by State Senator Edwin J. Regan.

AN ACTION PROGRAM FOR 88TH CONGRESS

But my purpose today is not just to salute the achievement which the Conference represented; rather, it is my goal to look to the future.

As President John F. Kennedy and Attorney General Robert Kennedy firmly indicated in their historic speeches to the Conference, the meetings were designed not as a talkfest, but rather to set the stage for a bold series of actions which will deal with the problem decisively.

The President and the Attorney General are not interested in token meetings or token gestures in this or any other field.

By the start of the 88th Congress, in January 1963, the President of the United States is going to send to the Congress a concrete legislative program. It will embody the results not only of the Conference, but of the follow-through thereafter by the Inter-Departmental Committee on Narcotics, as well as by additional outside effort.

ACTION AT THE COMMUNITY LEVEL

In my judgment, the Federal follow-through must be accompanied by State and local followthrough. In every judicial district of this Nation, teams consisting of members of the Federal, State, and local judiciary, U.S. attorneys, State and local attorneys, medical leaders, psychiatrists, social workers and others, should carry out an intensive program to come to grips with the narcotics problem at the community level.

NEED TO COME TO GRIPS WITH ALCOHOLISM PROBLEM

There is one particular point in terms of future parallel action which I should like to stress.

One of the splendid contributions of the Conference was to point out that the problem of abuse of narcotics is not dissimilar to a much vaster problem, that of abuse of alcohol.

In the principal "tool" of the Conference, the report which was filed by the ad hoc panel on drug abuse, attention was drawn to this fact. That report pointed out that alcoholism incapacitates some 5 million Americans. By contrast, the number of narcotics addicts is variously estimated as in the range of 50,000 people.

I should like to add that there is now underway a series of major studies by the Cooperative Commission on the Study of Alcoholism. These studies will be 5 years in duration.

The current state of knowledge on the problem is being examined. Research is being inventoried. Research needs are being identified.

When the Commission has completed what I would expect might be a definitive report, the entire professional and interested lay community would be given

the opportunity to examine the findings and recommendations.

PROPOSED WHITE HOUSE CONFERENCE IN 1966 OR 1967

Thereafter, it would be my hope that a White House conference might be convened to develop an action program to meet the alcoholism problem head-on. In such a conference, the active participation of State and local governments, as well as private sources, would, of course, be crucial.

This does not mean that so much as a day should be lost in the interim in strengthening existing research, education, training and control programs against alcoholism.

Fortunately, expanded efforts along these lines, many of which are under support of the National Institute for Mental Health, are underway right now.

But, it does mean this: We, today, should look forward to that day, perhaps "as far away" as 1966 or 1967, when the full leadership of no less an office than that of the President of the United States, is brought to bear on this problem.

It is unfortunate that alcoholism exacts so heavy a toll as to make it necessary that the problem be met at the highest possible level. But the fact is that American society does suffer a staggering loss from this condition and highest level action would be helpful. And the further fact is that we must experiment with new executive-legislative branch procedures in order to help meet this problem.

Ample precedent exists in the superb work of the Joint Commission Against Mental Illness which the Congress itself made possible through statute. Since then we have had a National Leadership Conference on Mental Health. Federal-State-local cooperation has improved in a manner which might not have been visualized but a few short years ago in the vast field of mental illness.

The subject of alcoholism has been one which has been for too long "swept under the rug." For a long time it was not discussed in so-called polite society. Like social disease, the challenge could not be met until the issues were thoroughly ventilated and the decision reached to meet the problem frankly and boldly.

Alcoholism, as a problem, is infinitely more difficult, infinitely more complex than the narcotics problem, for the former involves cultural, social, psychological, economic, fiscal, and other aspects, many times more subtle and formidable, if somewhat less spectacular.

Yet I believe that men of good will and understanding could and should reason out together an antialcoholism program which would be helpful to our own Nation and, indeed, to other nations.

INTEREST OF REORGANIZATION SUBCOMMITTEE

This is not a new subject for the Subcommittee on Reorganization and International Organizations, of which I am chairman. We have compiled medical reactions on alcoholism from all over the world as part of our 4-year study of international medical research.

It is from this vantage point as well that we have studied the interagency aspects of the problem of drug abuse, that is, the relationships between the U.S. Public Health Service of the Department of Health, Education, and Welfare, and the Narcotics Bureau of the Treasury Department, among others.

REPRINTING OF FIVE ITEMS

I ask unanimous consent that there be printed at this point in the RECORD, first, the text of Attorney General Kennedy's address to the Conference—President Kennedy's speech, I might add, has already been published in the RECORD—second, excerpts from the ad hoc panel's report bearing on the alcoholism problem; third, the text of an editorial in the October 3, 1962, Washington Evening Star; fourth and fifth, the text of Senator DODD's and Senator KEATING's addresses.

The editorial makes a brief reference to a Senate subcommittee which I should like to elaborate. The Senate Permanent Subcommittee on Investigations of the Committee on Government Operations, under the chairmanship of Senator JOHN L. MCCLELLAN, is conducting preliminary investigations with a view to holding hearings on the syndicated crime aspects of the illicit trade in narcotics. This action is being taken under that subcommittee's authority and obligation to investigate into organized crime.

It is contemplated these hearings will be held the latter part of this year or at the beginning of the next Congress.

I know that the Permanent Subcommittee on Investigations is going to give to this problem the same type of thorough, intensive, expert analysis which has now become the respected trademark of its work in a wide variety of fields.

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

ADDRESS BY ATTORNEY GENERAL ROBERT F. KENNEDY, GENERAL CHAIRMAN, WHITE HOUSE CONFERENCE ON NARCOTIC AND DRUG ABUSE, DEPARTMENT OF STATE AUDITORIUM, WASHINGTON, D.C., SEPTEMBER 28, 1962

Ladies and gentlemen, for a day and a half, this Conference has been analyzing the problems of narcotic and drug abuse. This afternoon, in the panel on legislation, the Conference will consider various courses for action in the future.

Before we do so, however, I think this is a particularly appropriate time to stop for a moment and recognize an outstanding example of the distinguished work that already has been done. I speak of Dr. Harris Isbell, for 17 years the director of the National Institute of Mental Health's Addiction Research Center at Lexington, Ky.

Dr. Isbell has been described by his Public Health Service colleagues as the "foremost world authority on the biology of nar- and important research while at the same cotic addiction." He has done considerable time serving as an outstanding administrator.

It is a great pleasure for me to present to Dr. Isbell the Meritorious Service Award of the Public Health Service commissioned corps.

The accompanying citation reads:

"In recognition of his outstanding accomplishments in the field of drug addiction research. Throughout his 17 years as Director of the Addiction Research Center of the National Institute of Mental Health, he has provided very effective scientific, intellectual, and moral leadership. Under his leadership, the Center has gained worldwide recognition, not only for its work in the field of drug addiction, but also as a center for research in experimental psychiatry.

"In both of these areas, Dr. Isbell has distinguished himself not only as an extraordinarily able director and coordinator of multidisciplinary research, but also as an outstanding investigator in his own right whose work in clinical pharmacology has exerted far-reaching influences on medical practice."

Dr. Isbell, please accept this medal, together with our warmest congratulations.

We are a proud and powerful Nation. There is no affliction to which we surrender. We have conquered our environment by conquering our ignorance. Sewage systems protect us from cholera and typhoid. Vaccinations guard us against other diseases. And public and private institutions, working with wide public awareness and financial support, continue to wage an unremitting campaign against cancer, heart disease, and other afflictions which we have not yet been able to defeat.

Such efforts are not limited to natural afflictions. Increasingly, we are devoting the same kind of urgent effort to socially spawned problems. The extent and effect of traffic safety campaigns, for example, is well known. And our efforts are constantly improving in such areas as mental illness and juvenile delinquency.

Yet our approach to the great social problem of narcotics and drug abuse, reflects none of the same dedication, confidence, or progress. Not only do we not have a comprehensive program; we do not have sufficient reliable information on which to base a program.

To say this about a nation which won two World Wars or which sends men into orbit sounds like lunacy or lethargy. We must soon prove otherwise, and, as I said yesterday, this Conference is a historic beginning.

We have somehow assumed that the narcotics problem is so intensely dangerous and vicious that the solution is principally punitive. This field reaches across many disciplines—psychology, sociology, economics, and medicine, as well as criminology, and yet we have persisted in letting almost the entire burden fall on the Federal Bureau of Narcotics.

We are all aware and all grateful to the Bureau of Narcotics for the remarkably effective work it has done, for so long, under Mr. H. J. Anslinger and now under his very able successor, Mr. Henry Giordano. Illicit narcotics traffic has been reduced greatly, and many racketeers who prey on the needs of addicts have been sent to prison. But law enforcement is only one aspect. The root of the problem remains.

Thoreau said, "There are a thousand hacking at the branches of evil to one who is striking at the root."

Our difficulty is that despite dedicated and sincere efforts, we have not been striking at the root. We spend too much time debating how to do so, without knowing where the root is, and without knowing whether we are using a hoe where a bulldozer is needed.

As you know, this Conference was not called to provide a forum for certain theories nor to reach what might at best be arbitrary solutions. This Conference is designed—as the preceding panels have demonstrated—to help us recognize what we know about the problem and, perhaps more important, how much we don't know. Our major aim is to reemphasize that we do indeed need answers and to determine how we can best find them, on a rational and national basis.

As you go into this final panel session on legislation, I hope that we can direct attention to future pooling of experience, experiment, and excitement—with the thoughts and facts gathered at this Conference as a firm foundation.

In the words of your excellent ad hoc panel report, "Difficult as is the prevention of drug abuse and the cure of addicts, the members of the panel are reasonably optimistic that the problem is not insoluble, and that in certain programs, real, if limited, success is being achieved.

"Above all else, sound information must form the basis of future legislation—legislation which is broadly directed toward the general problem of compulsive drug abuse, so that it will be both appropriate to the situation at hand and flexible to meet new and changing manifestations of this unresolved disorder."

I hope, however, that we can point the way to more than information. I hope we can also chart directions for action. You have, so far, considered the most difficult and challenging problems in the area of narcotics and drug abuse. The legislation panel provides the forum for ideas about how best to put various approaches to these problems into action.

For example, one particularly promising approach you have analyzed here is civil commitment—giving an addict treatment rather than just a prison term, with an intensive period of institutional care followed by closely supervised parole and aftercare. Throughout the period of prospective rehabilitation, criminal charges are kept pending.

There is no Federal program for civil commitment at present, but the administration supports extensive experimentation with the principle.

As Governor Brown reported yesterday, for example, the program underway in California has, so far, resulted in a remarkably low rate of relapse. Not nearly enough time has passed to warrant optimism about the long-term success of these projects and none of us can now say they are the answer. But they might very well indicate the right direction, and they warrant extensive experimental steps in that direction.

I think we all agree totally that narcotics rackeeters deserve the severest prosecution and sentencing. Under the present mandatory sentencing law they have received it and it has been effective.

Because of this law and other enforcement efforts, the Bureau of Narcotics and other agencies have been able to curtail sharply the flow of narcotics both into and within the country. As the President noted yesterday, addicts could get 100 percent, or pure heroin 35 years ago, while today, the drug is so scarce that addicts obtain only 3 to 5 percent heroin.

While the criminal should be given a prison sentence, I think we also agree, however, that the addict should be given treatment. The mandatory sentencing law applies equally to racketeers and to others, who may be peddlers only to support the cost of their own addiction. As a result, rigid application of the law has produced some notable and dramatic sentencing disparities.

Development of the principle of civil commitment might well help us find a way to plane down some of these rough edges on the otherwise effective mandatory sentencing procedure.

The legislative views you express today on such questions as these will have great importance. My hope that you can help us chart directions for action is not rhetorical.

The narcotic and drug abuse problem is not just a law enforcement problem or a medical problem. It is not just a New York problem or a California problem. It is a national problem and a mutual responsibility.

The administration has drafted positive programs for other domestic problems, ranging from agriculture to unemployment. It is the administration's intention to develop a narcotics program—and to present the start of this program to the next Congress.

The President is in the process of appointing a committee, as a followup to this Conference, to be responsible for the development of this legislative program. This committee will include expert and distinguished individuals, will work at the White House level, and will exemplify cooperation among the relevant Federal agencies.

We are extremely hopeful that we also can rely on the cooperation and support of the State, local and private agencies, organizations, and individuals participating in this Conference. With the findings of our meetings here as a foundation, we hope to translate cooperation into information, information into legislation, legislation into action, and action into success.

It is our hope, as I know it is yours, that we can defeat the problem of narcotics and drug abuse; that we can, in time, relegate the anguish and the terrible price of this affliction on the medical histories, along with the Black Death, yellow fever, and other one-time scourges of mankind.

This is a task that calls forth our best as experts, as Americans, and as human beings. We have made a good beginning. Let us now work to a speedy end.

EXCERPTS FROM REPORT OF AD HOC PANEL ON DRUG ABUSE

ETHYL ALCOHOL

Although the subject of alcoholism is beyond the scope of this paper, a logical discussion of the broad aspects of drug abuse cannot exclude the consideration of alcohol for comparative purposes, especially in view of the similarity of its abuse characteristics to those of the barbiturates. Like the latter, prolonged and heavy dosage is required to produce physical dependence.

The magnitude of alcoholism, involving as it does the partial or complete incapacitation of an estimated 5 million Americans (a number far exceeding all other types of drug abuse combined) demands attention. In its most intense form, signs of abstinence from alcohol include severe tremors, hallucinations, disorientation, and/or grand mal convulsions ("rum fits"). When these major signs of abstinence are present, the patient frequently develops severe hyperthermia and death may follow unless prompt measures are taken to correct fluid and electrolyte imbalance and to provide sedation.

The alcohol abstinence syndrome usually exists in a milder form without delirium tremens or convulsions. The more prominent signs are tremor, weakness, perspiration, elevated blood pressure, nausea, vomiting, diarrhea, anorexia, and insomnia.

These signs and symptoms are quite similar to those associated with barbiturate dependence, and the two agents are mutually interchangeable in creating or perpetuating the dependent state. In fact, many alcoholics turn to barbiturates in an attempt to conceal their problem, and avoid the social pressures which stigmatize the alcoholic.

[From the Washington Star, Oct. 3, 1962]

WAR ON NARCOTICS

There was a reassuring note in President Kennedy's determination to take a new and fresh approach to the Nation's narcotics problem. From his carefully planned White House Conference came the substance of ideas which, incorporated into legislation, may in time reduce the agony and crime inherent in the drug traffic.

As the President said, the Bureau of Narcotics has performed admirably in reducing the influx of drugs like heroin. But the sad truth is that thousands of Americans still are enslaved to the habit; and there is yet no satisfactory method of breaking the hold. The two prison-hospitals designated for that purpose have tried hard. But a recent survey showed that 90 percent of 2,000 treated in the Lexington (Ky.) hospital soon fell back into the old rut.

Mr. Kennedy's Conference, led by himself and members of his Cabinet, was attended by the Nation's leading narcotics authorities. Their diverse opinions pointed up how much still needs to be known on this subject. But they also focussed attention on the need for a complete revision in concepts.

There seems to be agreement that there shall be different treatment for those who traffic in drugs, preying on others, and those who become victims of the drug habit. Attorney General Kennedy indicated that the next Congress will be asked to enact sweeping new laws, calling for "civil commitment" to hospitals of drug addicts, and even "pushers" who are not otherwise in violation of the laws. A pertinent part of this plan would be a parole system in which the one-time addict would be observed and assisted over the rough spots.

President Kennedy is appointing a committee of prominent citizens to lay the groundwork for this legislation. They also will work with a Senate Government Operations Subcommittee due to investigate narcotics in November. It would appear this is a good start toward a new, enlightened program. We hope the legislators do not overlook a relatively recent and growing danger—the promiscuous sale of drugs such as barbiturates, used in lieu of narcotics by many thrill seekers.

REMARKS OF SENATOR THOMAS J. DODD BEFORE THE WHITE HOUSE CONFERENCE ON NARCOTICS, SEPTEMBER 28, 1962

The White House Conference on Narcotics is at once an indication of the gravity of the narcotic problem in the United States and a symbol of the determination of the American people and its Government to do something about it. I feel deeply privileged to have been invited to speak before this panel, which is concerned with the legislative aspects of the problem.

In 1956, as a result of widespread national dissatisfaction with the growth of narcotic addiction, especially among juveniles, and because of deep frustration over the apparent failure of existing legislation to deal with the problem, a new Narcotic Control Act was passed into law. This law contained three major innovations that were expected to have a tremendous deterrent effect on narcotic racketeers.

First, it removed from the hands of judges all discretion in the sentencing of convicted narcotic offenders by providing a mandatory minimum sentence of 5 years for the first offense and 10 years for subsequent offenses, with maximum penalties of 20 years for the first offense and 40 years for subsequent offenses.

Second, it removed all possibility of parole for narcotic offenders, thus putting them in a special category in our Nation's Federal prisons.

Third, it emphasized the concern of Congress over juvenile drug use by providing up to life imprisonment or even death for adults convicted of selling narcotics to a juvenile under the age of 18.

To demonstrate the severity of this law, it should be pointed out that an illegal narcotic transaction normally involves several violations of the act, each of which could be punishable by a mandatory 5-year sentence. Thus, a first offender could be, and frequently has been, sentenced to 20 or 30 years for a first offense.

When Congress passed the Narcotic Control Act of 1956 it radically departed from the existing trend in State and Federal criminal legislation, a trend toward the individual treatment of convicted offenders with a view to their eventual rehabilitation.

Congress made this departure because it felt that the peddling of narcotics was so vicious, dangerous and contagious a crime that unusually severe and rigid methods were necessary and justified in dealing with it. If the passage of several years under this act had been accompanied by a marked decrease in narcotic crimes, we might say that the law could have justified itself. For after all, the primary purpose of law enforcement is the protection of the public; the care and rehabilitation of criminals, however important, must be subordinate. But has the law been effective?

We have now had several years of experience under it. Its degree of effectiveness is a matter of dispute. The 1956 law has proved helpful in the jailing of several large-scale narcotic racketeers. Yet the growth of drug traffic continues.

The dispute is heightened by the fact that available information on the spread of narcotic addiction is completely contradictory. The Federal Bureau of Narcotics tells us that there are 46,798 drug addicts in the entire country. But testimony before the Senate Subcommittee to Investigate Juvenile Delinquency, by responsible city and State officials indicates that there may be as many as 50,000 addicts in the City of New York alone, and from 15,000 to 20,000 addicts in the State of California alone.

Only last week the executive director of the New York City Youth Board told our subcommittee that 25 percent of the children studied by the youth board are involved in the use of drugs ranging all the way from heroin to marihuana, pep pills, goof balls, and other varieties. He told of entire neighborhoods where children were exposed to narcotic pushing "as part of their daily life." In his opinion and in the opinion of countless people with whom I have talked, who deal with this problem on a day-to-day basis, there are more narcotics illegally available today than ever before.

Therefore, I think it is clear that the severe mandatory sentencing provisions of existing law have not had the deterrent effect that was hoped for.

There is an overwhelming preponderance of opinion on the part of those who deal most closely with this act that these provisions have had a very damaging effect and should be altered.

The Senate Subcommittee on Juvenile Delinquency, in a joint project with the Subcommittee on National Penitentiaries, sent a questionnaire to Federal district judges, Federal chief probation officers, Federal prison authorities, and U.S. attorneys inquiring into the effects of the mandatory minimum sentence provisions, and the elimination of probation and parole in the handling of narcotic offenders. The answers to this questionnaire, digested and broken down, are as follows:

Of prison wardens, 92 percent were opposed to the mandatory minimum sentence provisions; 97 percent were opposed to the prohibition of probation or parole.

Of the Federal district judges responding to the questionnaire, 73 percent opposed the mandatory minimum sentence provisions and 86 percent opposed the prohibition of probation or parole.

Of the probation officers who responded, 83 percent opposed the mandatory minimum sentence provisions and 86 percent opposed the prohibition of probation or parole.

Of the U.S. attorneys who responded, a group which understandably is predisposed toward more rigid punitive statutes, 50 percent opposed the mandatory minimum sentence provisions and 55 percent opposed the prohibition of probation or parole.

The overall figures for our survey showed that approximately 75 percent of all those who responded, people who live with this law from day to day, oppose the two basic provisions of the act and seek their modification.

Why? I will give you representative answers.

From James V. Bennett, Director of the Federal Bureau of Prisons:

"Prisons, both State and Federal, in the years immediately ahead will be faced inevitably with the problems of narcotic offenders, addict and nonaddict alike, who are weighted down by the hopelessness and the bitter futility of sentences which seemingly stretch into infinity. What can the institution offer the man serving 30, 50, or 80 years with no prospect for parole or hope of mitigation of his sentence? There is a real danger that, in the effort to contain the problems which stem from the hopelessness characterizing the attitudes of such men, much of what has been achieved in the development of constructive programs for all types of prisoners may be wiped out."

From U.S. District Judge James M. Carter:

"Several years ago at a ninth circuit conference there was a unanimous vote against mandatory sentences. The mandatory sentence can work extreme injustice. I was compelled to impose a 5-year sentence on a Marine veteran of the Korean campaign who was found with three or four marihuana cigarettes. He had been drinking in Tijuana and was arrested at the border. Obviously, three or four cigarettes did not make him a peddler and these were not commercial amounts. He had a spotles civilian record and an excellent military career. He had received a Purple Heart and had been wounded in action and had a wife and children. I held up sentencing 60 days with the defendant's consent, to attempt to get the U.S. attorney to file a tax consent on a smuggling charge which would not have carried at least 5 years' sentence. I was unsuccessful. I sentenced the man to 5 years in the penitentiary without parole."

From Oliver Gasch, then U.S. attorney for the District of Columbia:

"I am opposed to the philosophy of mandatory minima. Even in narcotic cases some discretion should be allocated to the judge. The answer to the elimination of drug traffic is an ideal difficult of realization. I would recommend long conditional sentences with close supervision by parole authorities."

From Eugene F. Dupuy, chief U.S. probation officer, New Orleans, La.:

"Existing laws emphasize the punitive aspects in dealing with the illegal drug traffic. Presumably, the reason for this approach is that strict penalties are expected to serve as a deterrent and to eliminate or greatly reduce the problem. Were this premise valid, mandatory minimum sentences for all crimes would be the solution. I believe that all persons who have worked with offenders know that such an approach is doomed to failure, for it overlooks the causative factors of crime. Historically, we know that severe penalties for relatively minor offenses, such as theft of a loaf of bread, did not deter the hungry from stealing bread. Similarly, the person with mental or emotional problems who needs support, will seek that support, irrespective of social or legal consequences."

I believe that the experience of the Narcotic Control Act of 1956 demonstrates again the fact that mandatory, inflexible, general punishment statutes can never be a just or even an effective substitute for the individual discretion, within prescribed limits, of judges, prison officials, probation officers and district attorneys who, acting upon personal study of individual cases, can arrive at justice far more readily than can a blind and impersonal article of law.

The principal defect in the present law is that it makes no distinction between major narcotic pushers and narcotic addicts themselves who, in order to pay for their own drugs, become small-time drug peddlers. Under the present law, drug addicts are being imprisoned for terms of 20, 40, and 60 years, and some are being given life imprisonment. This mandatory sentencing, with no hope for parole, thwarts all efforts to deal sensibly and rationally with addicts and completely sweeps under the rug the tragic problem which they represent.

The problem of drug addiction is essentially a medical problem, a psychiatric problem. It cannot be solved by merciless prison sentences. I believe that the law should be amended to repeal mandatory minimum penalties and to restore the possibility of probation and parole for rehabilitated narcotic offenders.

I do not here suggest that the professional criminals at the vortex of narcotic racketeering be given lenient treatment. Their conscious dedication to profiting from the calculated destruction of human beings demonstrates that they are the least likely of all rehabilitative prospects, and must of their very nature be confronted with the full force of the law. But I do propose that we should reform the excessively punitive and inhumane treatment now meted out to those who are essentially the victims of the narcotic racket.

To be sure, the drug addict, while locked up in prison, only to be released at an old age or by death, does not pose a threat to society as a narcotic peddler. But this solution is so demonstrably ineffective as a deterrent to narcotic crimes, wreaks such havoc within the penal system, does such damage to the individual involved, works such violence to the principles of justice and equity which should characterize our legal code, constitutes such an affront to reason, upon which all successful law must be based, involves such an abandonment of the principle of compassion which must be at the heart of all successful social advance, presents such a stark contrast with the enlightened trend toward the rehabilitation of prisoners—that all reasonable observers will eventually agree that the tragic and many-sided toll of blind and rigid imprisonment procedures is too great to pay for the fancied and illusory gain.

I believe that the Congress should rewrite the law and give the courts the right to distinguish between professional narcotic criminals and narcotic addicts who are drug peddlers only because of the overwhelming need to finance their own addiction.

This is today an unpopular cause and those who advance it will be subject to ridicule and abuse by unthinking people. Yet I am certain that the American people, in their honest wisdom, in their mercy, and in their plain good sense, will support this cause when once they understand it.

This Conference marks a great step toward that goal and I am very proud and honored to have an opportunity to take part in it and to bring these views to you.

STATEMENT OF SENATOR KENNETH B. KEATING AT WHITE HOUSE CONFERENCE ON NARCOTICS AND DRUG ABUSE MEETING IN STATE DEPARTMENT AUDITORIUM, WASHINGTON, D.C.

Mr. Chairman, members of the panel, ladies and gentlemen, I speak to you today, as the Senator from the State which has the greatest—some would say the most insuperable—narcotics problem in the entire country. New York is the home of more than half the drug addicts in the Nation. This curse is not only a crime breeder and a health menace, but is a personal disaster to the individuals and families contaminated by it. As you well know, its incidence is particularly acute among the youth of our cities. A survey made in 1956 at the Federal Hospital at Lexington, for example, indicated that 45 percent of their patients began using drugs before their 19th birthday. These young people are in every sense, a national resource which our country cannot afford to waste, and cannot refuse to aid.

Narcotics addiction is, first of all, a health problem and a concerted effort should be made to find a cure for the affliction. I have sponsored a bill to allocate money for this purpose to the Public Health Service, so that the same efforts which are being made in the fields of heart and cancer research can be applied to narcotics addiction. I hope this will eventually give us knowledge of how best to combat and treat the disease.

But in the meantime, we must cope with another phase of the problem. Every day, noncriminal addicts are being apprehended and placed in jails and prisons only to revert, upon release, to their old habits. The Justice Department reports that 1,646 individuals were convicted of Federal offenses involving narcotics in 1961. Many of these were hardened criminals who sell and transport narcotics, and for whom long-term criminal confinement is the only treatment. But, others are accused of only one offense: addiction. These noncriminal addicts are confined at enormous expense to the taxpayers—it costs Federal authorities approximately $2,000 to keep one man in prison for 1 year—when experts tell us that a much shorter period of hospitalization and a controlled period of aftercare—costing about $350 a year per man—is the only sensible way of curing and rehabilitating the patient.

New York has met this problem with a sensible plan for the civil commitment of drug addicts instead of a prison sentence. The State has already allocated 400 beds in State hospitals for this purpose, and next January, when the so-called Metcalf-Volker law goes into effect, a whole new experiment in the treatment of these offenders will be initiated.

I think the Federal Government should have a similar program.

Last spring, drawing upon the experience and advice of experts in our State—doctors, prosecutors, phychologists, sociologists and judges—I prepared a bill providing for the civil commitment of noncriminal addicts who were Federal offenders.

Basically, the purpose of this bill is to separate the sick from the criminal addict, and to afford the former the opportunity to receive institutionalized treatment and controlled aftercare in lieu of a prison term. The Justice Department has expressed full approval of this new yet limited approach to this problem and has recommended enactment. The procedure to be followed would be this:

Any person who is charged with violation of a Federal penal law dealing with narcotics, other than the sale or transfer of narcotics, would be informed by the committing magistrate that he may choose to submit to a physical examination to determine whether or not he is a drug addict. If he makes this election, is found to be a drug addict, and is not one of the persons excluded from the coverage of this bill, prosecution of the criminal charge which led to his arrest would be continued, and the addict committed to the custody of the Surgeon General of the United States for an indeterminate period not to exceed 36 months. It would then be the duty of the Federal Government to provide for the institutional treatment of the addict. If the Surgeon General certifies that the patient is cured of his addiction before 36 months, he would be released and then embark on what is perhaps the most crucial phase of his rehabilitation—aftercare. The bill provides for constant supervision and testing during the vital 2 years after release, the aim of this provision being both to guide and counsel the addict during the readjustment period, and to insure that his welfare and the safety of the public will not be endangered by a relapse into addiction. If a significant relapse occurs within 2 years after release, the criminal charges which had earlier been continued, would be prosecuted, but in meting out a sentence, the addict would be given full credit for the time spent in the custody of the Surgeon General. The same provision applies to addicts found by the Surgeon General to be incorrigible or not amenable to medical treatment, and who are returned to the court before the completion of the hospitalization period.

This procedure would differ markedly from the one presently used by the Federal Government, since Federal prisoners are now sent to Lexington only after conviction of a crime. Furthermore, once a cure has been effected in the hospital, the prisoner is returned to a penal institution to complete his long term under the original sentence. The only alternative open to Federal authorities at the present time is to refuse to prosecute the case criminally, and permit the accused to report to Lexington as a voluntary patient. The major flaw in this procedure, of course, is the lack of control, since voluntary patients are free to leave Lexington at any time, and even against medical advice. The purpose of my bill is to provide a middle ground for the authorities which would avoid a criminal stigma and long prison sentence for the addict, while at the same time insuring authoritative control over the patient.

Of course, many narcotics addicts are also hardened criminals, and the public interest would not be served by removing the criminal sanctions against these lawbreakers. My bill, therefore, excludes addicts from its coverage, if it appears that—

1. The offense involved the sale or other transfer of narcotics.

2. There is a prior charge of crime pending against the person.

3. The person has been convicted on one or more prior occasions of a felony.

4. The person has previously been civilly committed because of his narcotics use.

5. Facilities for hospital care or aftercare supervision are unavailable or inadequate at the time the commitment is sought.

6. It is not in the interest of justice to commit the person civilly.

I am certain that these restrictions will screen out the undeserving and the unamenable to treatment, while providing a significantly improved, noncriminal treatment for the sick addict.

This bill is presently stalled in the Senate Judiciary Committee, but if it passes—rather, I should say when it passes, for I am confident that your efforts and mine will someday bear fruit—the Federal Government must then face other questions and they are: What kind of institutional treatment is best for these addicts and what sort of aftercare facilities should be made available? I sincerely hope that the discussions and recommendations of this conference will give us guidance and suggest the kind of treatment most beneficial to the noncriminal addict. Once this bill or a similar one is passed, however, and the addict is identified as a sick man and in need of care rather than punishment, we will have circumvented the first and foremost obstacle presently in the path of his rehabilitation.

Many of you, I am sure, have worked with addicts individually, and have carried on the day-to-day struggle with sick youngsters and hardened adults. Often your work is frustrating because of the nature of the disease. Relapse is to be expected, but when it happens, it is no easier to accept because it was anticipated. The addict needs you and relies on you until he can overcome the temptation to falter again. Your patience, firmness and, indeed, friendship must take the place of drugs in his life. Let me make a promise to those of you who bear this burden in behalf of society. Convincing the public and the legislatures of the real necessity of progressive laws in this field can often be like overcoming the drug habit—it takes a long time, and the relapses are many. Let me assure you that we don't intend to accept defeat, or even setbacks. We too, are often disheartened by circumstances beyond our control—by the slow and cumbersome process of moving forward. But as you are undiscouraged and indefatigable in your efforts, so will we be. We welcome your assistance and need your advice. This legislation will be passed, if not in this session of Congress, then in the next. We are making steady progress, and will continue to press on until the patient is cured.

TRIBUTES TO WILLIAM C. DOHERTY, U.S. AMBASSADOR TO JAMAICA

Mr. HUMPHREY. Mr. President, I wish to express my deep and sincere satisfaction at the nomination, by President Kennedy, of William C. Doherty as our first Ambassador to Jamaica.

There are many reasons for this sense of satisfaction. One, of course, is based on the abiding friendship and respect that so many Members of this body have maintained for "Bill" Doherty over the years. For 21 years Ambassador-designate Doherty led the National Association of Letter Carriers in such a way that this organization is now one of the most impressive labor organizations in the land. Those of us on Capitol Hill who have worked with Bill Doherty need not be told of his transcendent ability, his integrity, his honesty of purpose, his enormous talent for friendship. All these qualities are essential to a successful Ambassador, and Bill Doherty possesses them in great abundance.

Second, it is most fitting that the United States recognize the emergent status of organized labor in our national life, by sending an outstanding representative from its ranks as an Ambassador to a friendly nation. This is even more fitting when we realize that the two major political parties of Jamaica are closely alined with labor. In fact, the reaction to this nomination in that newly independent nation has been unanimously enthusiastic. The Prime Minister of Jamaica, Sir Alexander Bustamente, expressed the sentiment of his people when he told the Kingston Gleaner, influential Jamaican daily paper, on October 1, "My Government and I welcome this appointment."

Perhaps no leader of labor in the history of the United States has had as comprehensive a background in international affairs as has William C. Doherty. Ever since 1945, when Gen. Lucius D. Clay invited him to Germany to assist in the reestablishment of free labor unions in that country, Ambassador-designate Doherty's career has been a virtual training ground for the diplomatic service. He has preached the gospel of free enterprise and responsible trades unionism throughout the free world, particularly in Latin America and in Europe. He has been responsible for a person-to-person campaign within the trades unions of the world, combating the attempted intrusions of communism in areas where such intrusions could easily have found fertile ground. He has become one of the most respected freedom fighters in the worldwide labor movement, and his reputation in this regard is even more generally known outside our borders than it is here at home.

Mr. President, the nomination of William C. Doherty as Ambassador to Jamaica is a brilliant one. It calls for congratulations not only to our friend, Bill Doherty, but also to President Kennedy for having the vision and the imagination to make the nomination in the first place.

Mr. JOHNSTON. Mr. President, I wish to join in the tribute and commendations on the nomination of Mr. Doherty. I know him very, very well, and I have had many contacts with him. I do not know anyone who has a more pleasing personality. I believe he will well serve the United States wherever he goes.

So I commend the President for making this appointment.

COMPENSATION FOR CERTAIN WORLD WAR II LOSSES—CONFERENCE REPORT

Mr. JOHNSTON. Mr. President, yesterday I requested that a yea-and-nay vote be taken on the question of agreeing to the conference report on House bill 7283, to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses. Upon my request for the taking of a yea-and-nay vote on the question of agreeing to that report, the yeas and nays were ordered.

However, Mr. President, because I realize how difficult it is to obtain a quorum at the present time—and only for that reason—I ask unanimous consent that I may withdraw my request for the yeas and nays, and that the order for the yeas and nays be rescinded.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Is there objection? Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, I would reserve the right to object, only to make sure that the proposed rescinding of the order will not affect the order that the vote be taken at 1:30 p.m. today.

The PRESIDING OFFICER. That is correct; this action will not affect the order that the vote be taken at 1:30 p.m.

TRIBUTE TO SENATOR KEFAUVER

Mr. HART. Mr. President, the Subcommittee on Antitrust and Monopoly, of the Judiciary Committee, has been described in varying terms in various sections. The preponderance of the adjectives used is always on the negative side. However, in view of the nature of the subcommittee's assignment, I believe that is to be anticipated.

I ask unanimous consent to have printed at this point in the RECORD, two editorials—one from the New York Times of October 5; the other from the Washington Post of October 5. The editorials reflect favorably upon the subcommittee, and particularly upon its distinguished chairman, the Senator from Tennessee [Mr. KEFAUVER].

I think this is the least that can be done by a member of that subcommittee in an effort to acknowledge our appreciation of the determination and devotion of our chairman.

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

[From the Washington (D.C.) Post, Oct. 5, 1962]

STEEL PRICE COMPETITION

The decision by the major steel producers to engage in price competition on the west coast is a most welcome development in an industry which is in need of an infusion of new vigor.

In recent years the American steel industry has been plagued by substantial excess capacity and a decline of some 50 percent in its share of the world export market. Moreover, the historical role of the United States as a net exporter of steel was reversed in 1959. Last year net imports amounted to 1.2 million tons.

Part of the difficulty is doubtless attributable to technological change. The development of new and lighter structural shapes, the widespread use of reinforced concrete and the introduction of nonferrous materials have all contributed to a relative decline in the demand for basic steel products. But critics charge that the substitution of new products for steel is accelerated by rigid pricing policies and the reluctance of the industry to engage in vigorous price competition. And they maintain that those same policies are also responsible for the industry's declining share of the world market since cheaper coking coal and access to better grades of ore more than offset the advantage conferred upon foreign producers by virtue of lower wage rates.

The price cuts were precipitated by the Kaiser Steel Corp., which announced average price reductions of $12 per ton in an effort to "make the West more competitive domestically" and "materially assist in combating foreign steel imports."

This action was promptly countered by statements from United States Steel, Bethlehem and other major producers that they would meet Kaiser's prices and remain competitive on the west coast.

While confined to a single market, it is reasonable to assume that the price reductions will soon be extended and that they will do much to expand domestic steel production, which has been running at less than 60 percent of capacity since May. And the United States Steel Corp.'s, decision to participate in the construction of a new Italian steel plant is a hopeful sign that the industry will make an effort to regain its lost share of the world export market and thereby strengthen our international balance of payments.

Senator KEFAUVER, the industry's sternest congressional critic, has, with good reason, hailed the west coast developments as "a return to the old style competitive price rivalry that made America preeminent in world trade."

[From the New York Times, Oct. 5, 1962]

VICTORY ON DRUG REGULATION

The conference version of the drug control bill, now well on its way to becoming law, substantially strengthens the hitherto inadequate safeguards which have surrounded the development, production, testing and sale of medicines for human use. Particularly important are such provisions as the requirement for affirmative Government approval before a new drug can be marketed, the authority given the Government to ban sales of any drug posing an "imminent hazard," and the requirement that all antibiotics for human use be certified through batch-by-batch testing.

The hero of this victory is Senator KEFAUVER, of Tennessee, who doggedly continued to push for this needed legislation despite widespread public apathy, lack of administration interest and bitter opposition from some industry and congressional sources. But all of Senator KEFAUVER's efforts would have been in vain if it had not been for the public shock over the revelation that a drug, thalidomide, had caused the birth of thousands of deformed babies in Europe, and even a few in this country. That mass tragedy awoke the public, the White House and Congress; and it carried the day for this legislation. But it does not speak too well for congressional responsiveness to a public need that it took such an unpredictable and essentially chance occurrence as the thalidomide disaster to secure passage of this law so closely related to the general welfare.

RESOLUTION BY UNIVERSITY OF MISSISSIPPI PROFESSORS

Mr. HART. Mr. President, this morning's newspaper carried three reports from Oxford, Miss., which contain some of the most encouraging and hopeful news from that troubled city in recent days.

These stories, I am confident, represent the voice of many responsible citizens of the State of Mississippi.

I want to make it clear to these citizens of Oxford that Americans throughout the Nation are proud and grateful for this responsible plea for respect of law and protection of basic constitutional rights for all citizens.

I ask unanimous consent that these articles be printed in the RECORD.

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

TEXT OF RESOLUTION BY MISSISSIPPI PROFESSORS

Resolved, That we, the members of the University of Mississippi chapter of the American Association of University Professors, deploring the tragic events centered about this campus during the past few weeks, do declare our beliefs:

1. While it is obvious that errors in judgment were made by those in authority on the university campus Sunday, September 30, we have evidence that the attempt of men in prominent positions to place all the blame for the riot on the U.S. marshals is not only unfair and reprehensible but is almost completely false. We encourage an investigation by the proper authorities.

2. Some news media in Mississippi have entertained irresponsible and secondhand stories in distortion of the facts and have thereby helped to provoke a general state of confusion, alarm and misdirected wrath. We join with those fellow Mississippians who resolved in Jackson on October 1, their hopes that all news media would cooperate with sane, sensible public utterances.

3. While all citizens of Mississippi and the United States of America have the right to disagree in every peaceable and legal way with the law of the land as interpreted by the Supreme Court, it is the duty of every patriotic citizen to obey the law and encourage others to obey it. We believe in the use of courts and ballot boxes to state our convictions: we oppose and deplore the useless employment of clubs and missiles against fellow citizens in behalf of any conviction whatsoever.

4. Riots, weapons and agitators have no place at a university. This university can better carry on its important part in the march toward progress and prosperity in Mississippi without any of these. With the cooperation of the overwhelming majority of law-abiding Mississippi citizens, the University of Mississippi can return in the near

future to the normally peaceful conditions essential to education in Mississippi, in the Nation, and to constructive work for the future.

CLERICS CALL FOR DAY OF REPENTANCE

We, the clergy of the Oxford and university community, do hereby call upon the people of our community and the State to make Sunday, October 7, 1962, a specific time for repentance for, or collective and individual guilt in, the formation of the atmosphere which produced the strife at the University of Mississippi and Oxford last Sunday and Monday, resulting in the death of two persons and injury to many others.

Further, we do urge that this be a specific time for turning from those paths of violent thought and action to the Christian way of peace and good will, which turning is the heart of true repentance.

It is our firm belief that obedience to the law and to the lawful authority is an essential part of the Christian life. The outgrowth of this conviction in the situation in which we find ourselves can be no less than acceptance of the actions of the Court and wholehearted compliance with these as individuals and as a State.

Not only must we ourselves act in accord with these principles, but we must actively exert positive leadership and influence such as that provided on October 2 by certain businessmen of our State.

We issue this call mindful of the promise of our God:

"If My people who are called by My name shall humble themselves and pray, and seek My face, and turn from their wicked ways, then I will hear from heaven, and will forgive their sins, and will heal their land." II Chronicles 7:14.

OXFORD MAYOR ACCUSES PATROL

OXFORD, MISS., October 4.—The mayor of Oxford said today he was refused help by the Mississippi State Highway Patrol last Monday when rioting spread from the University of Mississippi campus into this town.

Mayor Robert W. Elliott said he made his appeal to a patrol officer who told him: "We have orders not to interfere."

"I would rather have had my own State patrol helping us but they wouldn't do it," Elliott said. "I feel the least they could have done was to help our own people."

"Patrolmen actually saw cars demolished and saw mobs on the streets and did nothing about it," he said.

The rioting started on the campus Sunday night and shifted to the town Monday morning.

Bands of marauders started hurling rocks and gasoline bombs and Elliott said it was then he appealed to FBI Agent Robert Cotton to call for Army troops.

"If I had it to do over again, I would do it the same way," Elliott said in an interview today. "I was trying to save my town and keep people from being killed."

Elliott said the police force of the tiny university town consists of only seven men. He said he deputized the city's 30 firemen, but even the increased force was no match for the rioters.

Elliott said when he made his appeal for help from the Army "50 or 60 persons were in town trying to burn down Negro churches."

"I had to act quickly, keep my head, and exercise good judgment."

A 24-hour guard of military policemen with bayonets fixed on their rifles still is maintained at the townhall.

Elliott said he thought the situation had calmed down enough now for the troops to begin moving out, but he added, "This is not my decision."

FOOD SURPLUSES FOR THE HUNGRY?

Mr. HART. Mr. President, all of us wish to devise a way whereby our magnificent agricultural abundance could, to a larger extent than at present, find its way to the world's hungry.

A most eloquent statement of this humane and logical concern was adopted recently by the Michigan Certified Seed Potato Growers Association, Inc., of Bellaire, Mich.

I ask unanimous consent that the resolution of this group, adopted at its August 6 annual meeting, be inserted in the RECORD at this point.

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

Whereas sources at the United Nations estimate that no less than 1 out of every 8 human beings on earth, some 390 million men, women, and children—go to bed desperately hungry every night; and

Whereas this 390 million figure includes only those whose main preoccupation every day of their lives is simply getting enough to eat to drive away hunger pains, and does not include more than 1 billion others whose diets are inadequate; and

Whereas our country has a surplus of food, which costs taxpayers a tremendous amount of money each year just to store it; and

Whereas the farmers of our country are able and willing to produce food efficiently and at low cost to help feed many of the desperately hungry people in this world: Therefore, be it

Resolved, That we recommend to our Government through our two Senators that it put forth every effort to feed these terribly hungry people of the world. If one small child in this world of ours goes to bed at night hungry and undernourished, it cannot be said that our country so long as it has a food surplus is doing everything it can and should do to relieve this suffering. So long as any small children in this world suffer the terrible pain of hunger and malnutrition, if our country in the goodness of its heart provides food for the hungry, it cannot be said that we are disrupting any trade channels or hurting any country's commerce with other countries.

We are sending a copy of this resolution to our two Senators, Senator HART and Senator MCNAMARA.

RESTORATION OF OLD ST. PETER'S CHURCH, TECUMSEH, MICH.

Mr. HART. Mr. President, the citizens of Tecumseh, Mich., a pleasant, leafy city in the southern part of the State, are engaged in a vigorous campaign to restore and preserve a lovely church that has been in the community for 129 years.

I think this is another symptom of the Nation's growing awareness of its history. As we mature, we will continue to attach more and more importance to these links with our past.

Too often in previous years our communities have tended to be impatient with their earliest structures, even embarrassed about them.

But Tecumseh realizes that old St. Peter's Church has many lessons to teach about the beginnings of the town. I believe this is a commendable project. I have personally contributed to it. Clearly this is the sort of project that should be encouraged in every community in the Nation.

UNIVERSITY OF TEXAS STUDENT CITES STUDENT EXCHANGE VALUE, WRITES OF HER STUDIES IN CHILE

Mr. YARBOROUGH. Mr. President, I have recently received a letter from 1 of 14 University of Texas undergraduate students sent to Chile this summer as a part of the student exchange program.

This is a two-way exchange. The group of Chilean students who come to the University of Texas each year usually visit in my Washington office before going on to Texas to study, and the exchange Texas group often visit me en route to Chile. The intelligence, searching curiosity, and good intent of both groups have been most impressive. Usually about 16 Chilean and Texas students exchange campuses for about a month or 6 weeks a year. The student exchange program is one of our great diplomatic successes. We need to enlarge and expand it. This program is a two-way street to good neighborliness.

To illustrate the point, I ask unanimous consent to have printed in the RECORD the following letter, dated October 1, 1962, from Miss Nina Faulkner, one of the University of Texas exchange students, describing her own deep awareness of the importance of student exchange.

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

AUSTIN, TEX.,
October 1, 1962.

Hon. Senator RALPH YARBOROUGH,
Washington, D.C.

DEAR MR. SENATOR: One of my purposes was to teach. I also learned.

Thus, I, as 1 of 14 University of Texas undergraduate students sent to Chile August 14, 1962, for 1 month in a U.S. State Department-sponsored exchange program, regard as a magnificent success our college seminar.

What did I learn? I learned that I am an American—and what a large world is contained in the small phrase, "I am an American."

Why didn't I understand the significance of the phrase before my trip to Chile? Because I had to be away from my country before I could view objectively its merits—and its demerits. I had to explain and defend my system of government before it could be dear to me. I had to understand the thoughts of the citizens of another land before I could understand the thoughts of the citizens of my land. I had to widen the horizons of my world comprehension before I could be grateful for my heritage.

I learned the importance of knowledge. The "ugly American" image dies when ignorance dies; the "intelligent American" image is born when education is born.

But book knowledge is not sufficient. The intelligent American supplements paper theories with practical reality. The intelligent American tries—he makes mistakes, but he knows his Chilean friends respect and appreciate his attempts to speak always in their language, to forego certain "American conveniences," and to integrate himself completely into their society. The intelligent American in another country will do "as the Romans do." The intelligent American

learns to listen so that he can capture the thought waves of Chile—so that he can know in which areas unity can be strengthened between our two nations.

I learned that love is the antibiotic for the world's illness.

People are people. The fact that an ocean lies between North Americans and Chileans is insignificant. The same God, the same moon and stars, the same emotions, troubles, and aspirations that belong to the United States belong also to "Chile's Lindo." Love can traverse miles and unite hearts.

I begin my student teaching this week in an Austin secondary school. I will tell my pupils about the University of Texas goodwill program with Chile, and I will impress upon them the importance and necessity of student exchange seminars.

Cordially yours,

NINA FAULKNER.

AGRICULTURAL CONSERVATION PROGRAM

Mr. HUMPHREY. Mr. President, there appeared in the September 23 edition of the St. Paul, Minn., Sunday Pioneer Press an article by Mr. Gordon Richmond concerning the agricultural conservation program.

This is an excellent article and goes a long way in clearing up the misunderstanding of so many as to the purposes and accomplishments of the ACP. I commend it to my colleagues.

Mr. President, I ask unanimous consent that this fine article be inserted at this point in the RECORD.

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

[From the St. Paul Sunday Pioneer Press, Sept. 23, 1962]

AGRICULTURE CONSERVATION PROGRAM GETS A BIG HAND

(By Gordon Richmond)

Within the labyrinth of Federal agriculture agencies, all suffering from alphabetitis and some from political punching, there is one that seems to escape controversy. This is the ACP, the agriculture conservation program.

To the city dweller, it appears at first glance to be another giveaway program, with the Government under certain conditions paying, for example, up to 80 percent of the cost of site preparation for tree planting and then paying about half the cost of planting those trees on your own land.

Yet this year some 17 million trees were planted in Minnesota with ACP financial aid. It is the big emphasis in Minnesota and took nearly a third of the seedling production of State-operated nurseries.

The ACP will share costs on farmland for these conservation practices:

Establishing a cover on land—corn, oats, sorghum, barley, buckwheat, millet or sunflowers. It will pay about 50 percent of the cost, not to exceed $5 an acre for corn and sorghums and $4 an acre for the others. This crop can not be grazed or used. Its purpose is to provide food and habitat for wildlife.

Establishing grasses and legumes, not to exceed $5 an acre. There are certain seeding requirements.

Establishing trees and shrubs for wildlife cover and food. Here the ACP will pay $2.50 per 100 trees or shrubs planted by hand and $1.75 for 100 for machine planting. However, the soil conservation service must inspect and approve.

Developing shallow-water areas for wildlife. This basically is to restore or improve wetland habitat and seems almost diametrically opposed to practices of other Federal agriculture agencies. However, it is pointed out that drainage practices in the past have been primarily on cropland as opposed to farmland. There is also apparent misunderstanding of what constitutes a pothole.

This shallow-water program may include the building of dams and extensive excavation, but it, too, must have soil conservation service approval. The Government will pay up to 50 percent of the cost and not more than $2,000 a structure. It would seem ideal for Minnesota's duck population; and experts believe more farmers will take advantage of it in the future.

The ACP may be used on land already in the soil bank.

The soil bank and the diverted acreage programs that have cost the taxpayers millions of dollars essentially are payment to keep land from production of crops now in surplus. It is a stop-gap measure and is a negative but practical approach. It's considered necessary because the farmer is unorganized and cannot control production.

The ACP in contrast produces something. Maybe it's land fertility, or erosion control, or new forest land, or greater land capacity for wildlife. Fertile land usually produces more wildlife. And compared with the soil bank programs, ACP cost is small.

There are certain limitations. No more than 5 acres per farm or 160-acre tract can be seeded for wildlife cover on cost-sharing. If a farmer owns more land, then another 5 acres per 160 may be added.

In the case of tree planting, there is no limitation beyond maximum payment figures.

Persons interested in the program may contact their county agriculture stabilization and conservation committee (ASC) which administers the program. ASC state committees of three are appointed by the Secretary of Agriculture. County committees are elected by farmers. Each township elects three persons, the chairman of whom is a delegate to the county convention to elect the county committee.

The Soil Conservation Service (SCS), tied in with the program, is a technical agency staffed by civil service career people.

ROBERT E. HANSEN—A TRUE PATRIOT

Mr. HUMPHREY. Mr President, during the past year the State of Minnesota has been honored by the service of one of its distinguished sons in a position of unusual prominence and responsibility. I refer to my good friend and fellow Minnesotan, Mr. Robert E. Hansen, of South St. Paul, Minn., the immediate past commander-in-chief of the Veterans of Foreign Wars of the United States.

During Bob Hansen's tenure in office as head of the 1,300,000 oversea combat veterans who comprise the membership of the VFW, he provided an inspiring example of able, vigorous, and dedicated citizenship. As Members of the Senate are well aware, the VFW is an organization devoted to the service of disabled and indigent veterans, their widows, and orphans. Under Bob Hansen, the VFW once again demonstrated in a most meaningful way that the motto of the VFW, "Honor the dead by helping the living," is not an empty phrase, but rather a guiding principle for the collective and individual actions of the VFW.

It was also, for me, a source of genuine satisfaction to observe how Bob Hansen, a lifelong resident of Minnesota, repeatedly demonstrated a keen understanding of the ways in which a great veterans' organization, such as the VFW, can serve its Nation in these difficult times.

Time does not permit me now to list fully the many things which the VFW has done during the past year to advance the security of our Nation domestically and abroad. However, I would like to refer to a few examples of VFW accomplishments under Bob Hansen's leadership.

Mr. Hansen was elected commander-in-chief of the VFW at its 1961 national convention in Miami Beach in August 1961. As Members of the Senate will recall, this coincided with a most serious crisis over Berlin There was much speculation among our allies as to just how determined the American people would be in facing up to the Soviet Union in the Berlin controversy. Some questions were raised as to how strongly the United States, as a whole, would back the firm attitude then being demonstrated by the President and the NATO commander, General Norstad.

Immediately following the convention, Commander-in-Chief Hansen announced that since General Norstad had been unable, due to the Berlin crisis, to fulfill his speaking engagement at the VFW convention, where he was to receive the Bernard M. Baruch Gold Medal, the highest VFW award for distinguished service to our Nation, Mr. Hansen would present the award to General Norstad at his NATO headquarters in Europe. The presentation took place at NATO headquarters beneath the flags of the NATO nations, and was attended by senior military officers of our allied nations.

This act by Commander in Chief Hansen, on behalf of the VFW, reflected the solidarity with which this great veterans' organization, comprising such a large cross-section of our citizenry, supported our President and the NATO command. It was a most timely and constructive gesture.

During the past year Commander Hansen has carried the message of the VFW's support of our President's determination to resist the encroachment of communism to those who are in the frontlines of the struggle.

He delivered this message of courage and support to Mayor Willy Brandt in the shadow of the Berlin wall. He visited the sentry posts of the marines on guard along the "cactus curtain" which Castro has erected around our naval base at Guantanamo Bay, Cuba. He met with leaders in Asia, visited the Nationalist Chinese armed forces on Formosa, and consulted with President Chiang Kai-shek. He flew, as a Naval Reserve officer, the strategically important surveillance air patrol along the waters off the Red China coast.

Throughout the past year Commander in Chief Hansen has spoken extensively on the necessity of the United States remaining strong and resolute in the face of continuing Communist aggression.

When President Kennedy announced our determination to resume atomic testing, the message of the VFW commander in chief was heartening and encouraging to the President. It is significant to note that this clear and forceful message to the President was read on the floor of the Senate by the distinguished majority leader.

Under Bob Hansen's leadership the VFW this year continued that organization's policy of serving as a strong, fair, and effective spokesman for our military personnel. During the past year the VFW, in addition to other matters affecting servicemen, worked for the following objectives in the interest of our service personnel: lifting the prohibition on dependents' travel overseas; resisting efforts to reduce commissary rights; increasing quarters allowances; resisting medical charges for service dependents in military facilities. It is noteworthy that the VFW's role in each of these issues was effective and thus contributed materially to military morale, and consequently the enhancement of our national security.

The VFW, whose members understand the importance of maintaining a powerful armed force establishment, were in the lead of national organizations in support of the National Guard and the Reserve.

Commander in Chief Hansen is to be commended for tireless and sincere efforts in the cause of protecting freedom against communism, for his timely and effective statements on matters of critical national importance, and for the inspiring manner in which he has continued to demonstrate that the VFW is a powerful factor in helping to assure the security of our Nation and the preservation of freedom.

As a longtime friend of this distinguished Minnesotan, I take this occasion to express my admiration for what has been done in his just completed year of leadership of the VFW, in the cause of good government and a strong United States. I am confident that Members of the Senate join with me in conveying to Bob Hansen, a Navy veteran, the traditional Navy accolade of "well done" for what he has done for our Nation.

RELATIONSHIP BETWEEN PHARMACEUTICAL FIRMS AND FOOD AND DRUG ADMINISTRATION

Mr. CASE. Mr. President, during the congressional consideration of the drug bill which has now been sent to the President, there were many comments made about the role of the pharmaceutical firms in conducting their business, and particularly in regard to their relationship with the Food and Drug Administration.

One of the most progressive and farsighted men in our Nation's business community, John T. Connor, president, Merck & Co., Inc., in Rahway, N.J., has spoken clearly on the desire of companies such as his to conduct themselves in the best interests of the American people, and, indeed, of the many people throughout the world who are enjoying better health as a result of the research and development in this country.

Mr. Connor, who entered the pharmaceutical field after attaining notable success in the fields of law and government, has issued a statement on the drug bill which sets a high standard for the industry.

His statement follows:

This on the whole is a sound law, reflecting many points which Merck and other pharmaceutical companies actively supported during 3 years of work with congressional committees. It serves the public interest because it will help to elevate the standards of the prescription drug industry as a whole, thus providing broader protection for the consumer. Within the framework of the new law, Merck looks forward to continuing its contributions to medical progress.

The legislation will be effective, however, only to the extent that the Food and Drug Administration is strengthened in staff, facilities, and organization to match the increased importance of its broad new medical and scientific responsibilities. It is desirable that Congress act quickly to provide the necessary funds for these purposes.

With uncertainties as to the future of the industry now resolved, it is our hope that we can resume our concentration on the essential task of discovering and developing new drugs urgently needed in the struggle against disease.

CONFLICT OF INTEREST IN CONNECTION WITH DEFENSE CONTRACTS

Mr. BEALL. Mr. President, on September 11, 1962, and September 12, 1962, I called the attention of the Congress to articles written by Baltimore Sunpapers reporter Howard Norton concerning what appeared to be a rather blatant conflict-of-interests case. Immediately my distinguished colleague from Mississippi, Senator JOHN STENNIS, requested the Navy to submit a full report on the matter to him and to the Senate Preparedness Investigating Subcommittee. Senator STENNIS has been one of the leaders in the Congress in protecting the interests of our taxpayers and the Government from damage perpetrated by persons operating either illegally or unethically under dual allegiances and his prompt action in this case was typical of the efforts he has devoted to the problem.

Today the Sunpapers carried a frontpage story about the case which Mr. Norton brought to light and since I am sure many of my colleagues would like to be brought up to date on the matter, I ask unanimous consent that the article be reprinted in the RECORD at the conclusion of my remarks.

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

NAVY INQUIRY IS CRITICAL OF ROBINSON—CONFLICT OF INTEREST IS LAID TO EX-AIDE, NOW WITH CONTRACTOR

WASHINGTON, October 4.—Eugene A. Robinson, a former "special assistant" in the Navy Department, was accused officially today of violating Defense Department conflict-of-interest directives.

An investigation ordered by the Secretary of the Navy, Fred Korth, disclosed that Robinson acted for the Navy in negotiations with a defense contractor who had already agreed to employ him.

The investigation also revealed that Robinson received pay from both the Navy and the contractor for 2 weeks last spring.

CONTRACTOR REPAID

The Navy's report said that Robinson repaid the contractor, Franklin Institute of Philadelphia, the salary he received for the period and that the Navy Department also had requested repayment "of the sum paid to him for the same period."

The investigators found that Robinson resigned from the Navy Department March 19 this year and went to work for Franklin Institute the same day.

But on April 3, 2 weeks later, Robinson's employment with the Franklin Institute was rescinded and his resignation from the Navy was canceled, the report stated.

The Navy said April 3 that Robinson would not take the job with the contractor and that the Franklin Institute had been warned not to hire him.

WAKELIN HEADS OFFICE

The truth was that he had been employed by Franklin Institute for 2 weeks on that date, while he was still working at his desk in the office of the Assistant Secretary of the Navy for research and development, James Wakelin, Jr., and apparently receiving Navy pay.

The investigators' report showed that 5 months later, on August 17, 1962, Robinson again resigned from the Navy post and went to work immediately as a "consultant" for Franklin Institute.

On September 1, Robinson was appointed chief of the Washington office of the Franklin Institute.

But on September 17—6 days after his new switch of employment was reported—Robinson was given a leave of absence from his new job, with pay, the Navy investigators found.

The Navy investigators' findings were announced tonight by Senator STENNIS, Democrat, of Mississippi, chairman of the Senate Preparedness Investigating Subcommittee, which is also studying the case.

In disclosing an outline of the Navy's findings, STENNIS said that his subcommittee staff was still reviewing and evaluating the Navy's report and that the future course of the subcommittee's inquiry would be decided after this was completed.

STENNIS added that additional information on the Navy report and other phases of the matter must await this decision.

CONTRACT DEFENDED

As to the contract that Robinson helped to negotiate for the Navy with Franklin Institute, STENNIS said that the Navy investigators had concluded "that the provisions included in this contract are appropriate, that the financial arrangements with the Franklin Institute are fair and reasonable, and that this is sound procurement."

STENNIS noted that he had been assured by the Secretary of the Navy that the administration of the contract would be kept "under close scrutiny to insure that its continuation is at all times in the best interests of the Government."

Before acknowledging that Robinson violated Defense Department policy and regulations in taking his present job, the Navy report stated that:

"The present employment of Mr. Robinson, on work other than Navy work does not violate any of the so-called conflict-of-interest statutes."

The report did not go on to explain that the reason no conflict-of-interest statutes are being violated now by Robinson is that there are no conflict-of-interest statutes that apply even remotely to this type of situation.

In its charge against Robinson, according to STENNIS, the Navy report declared: "Mr. Robinson's negotiations with the Franklin Institute leading to his present employment did violate paragraph IV of Department of Defense Directive 5500.7 which disqualifies Department of Defense personnel from representing the Department in dealings of any kind with any business entity with which they have arranged or are negotiating for subsequent employment."

STENNIS emphasized, in releasing this review of the Navy's findings, that he would not reach any conclusions until he had "the benefit of all available facts in this matter."

The Senator said that he has directed the subcommittee staff to "review and evaluate fully this report and other information received by the subcommittee on this matter, and to furnish * * * a complete report on all aspects of the matter at the earliest possible date."

FOREIGN COMPETITION IN FISHING INDUSTRY

Mr. SMITH of Massachusetts. Mr. President, recently, I learned that a modern Japanese fishing trawler is coming from Japan and will be fishing off our Atlantic seaboard within a week. This vessel is about four times as large as any other American trawler fishing in this area and has facilities for refrigerating its catch. It plans to sell this catch in Boston or through a Japanese firm in New York City.

No American fishing vessel in the Atlantic could ever consider fishing off the coast of Japan. Our New England fishermen will not, in fact, even be able to compete effectively with this Japanese vessel in their own waters. Our antiquated vessels cannot refrigerate their catches and do not have the capacity of this foreign trawler.

This is only one of several new threats from foreign competition which our fisheries have faced in recent weeks. Another was, of course, the news of the Soviet fishing port to be built in Cuba.

This port will be a twofold threat to this country. It will, naturally, give the Russians a ready base for their fishing vessels that are equipped for missile-tracking and other espionage work.

It also poses a serious threat to our entire Atlantic and gulf coast fishing industries. The giant Soviet fishing fleets now off our eastern seaboard will no longer have to go home for supplies and repairs. They can stay in our coastal waters and fish indefinitely.

Furthermore, they will be based within easy striking distance of our southern Atlantic and gulf coast fisheries. The Soviets have been laying the groundwork for this for some time. Last month, a 150-foot refrigerated Soviet trawler was doing exploratory fishing off the coast of Florida for menhaden. Their fishing fleets always follow close behind their exploratory vessels. This will be the first time the Soviets have competed with us in our industrial fisheries, which will represent one of the largest segments of our fishing industry.

If the Soviets take advantage of the ready access offered by their new Cuban port to the Gulf of Mexico, they will also for the first time be competing with our gulf fishermen. One group of these, the shrimp fishermen, have suffered badly in recent years from losses of stocks. We can ill afford to have another country competing for these limited stocks with equipment far more modern than our own.

The Soviets will not be the only new, foreign fleet to be fishing in that area. Cuba is going to build a large modern fishing industry with Soviet assistance. The Cubans will be given the use of up-to-date Soviet fishing vessels and technicians trained in Russia in the latest fishing techniques. Two hundred of these Cuban technicians have already left to be trained.

These facts are new. But the threat to our fisheries from foreign competition is not. During this session of Congress, a number of Senators including Senator MAGNUSON, Senator BARTLETT, Senator GRUENING, Senator PELL, myself, and others have repeatedly told the Congress of the threat which foreign competition poses to our American fishermen. It is a threat that could destroy our American fishing industry.

The Christian Science Monitor recently published an excellent series of articles which outlined in detail the competition which our fishermen face from Russia, Japan, Canada, and other countries. It also told of the sad state of the American fisheries, particularly those in New England. I would like to insert those articles at this point in my remarks.

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

[From the Christian Science Monitor, Sept. 1, 1962]

NEW ENGLAND FISHERMEN PLY TROUBLED SEAS

(By Richard E. Neff)

A kind of lonely air clings to New England fish piers these days.

Maybe it's the squawking of the gulls, or the salt air, or the creaking of a few boats tied up at the piers that create this mood.

To be sure, there are people around, and there are fish being unloaded. But many of the boats are rusty and beaten by salty seas. The fishermen's leathery faces seem to depict not only the challenge of the sea, but also the challenge of a declining industry.

Ever so often another fishing boat gives up and goes out of business.

OPTIMISM LINGERS

While the overall picture seems to be bleak, there are, however, some optimists left in the New England fishing industry.

The head of a Boston fish processing firm is building a new fishing boat despite dire predictions of many colleagues that it will be uneconomic.

Some people in New Bedford say the rebirth of the scallop industry there might be a pattern for the rest of the commercial fisheries in New England.

There is the prospect of increased aid from Federal and State Governments.

But pessimists—far more numerous these days—wave aside these examples and point to the dark picture shown by statistics.

IMPORTS RISE

The total catch of fish landed in the United States last year was less than that of 20 years ago, though the country's population has risen during the period by 45 million. Imports from other nations have doubled since 1949, and in 1961 accounted for 44 percent of total American consumption.

In New England, Boston's fleet of trawlers (boats that seek fish which live near the bottom of the sea, such as cod, haddock, or ocean perch) declined from 120 after World War II to a present 61.

In Gloucester, Mass., the fleet has slipped from 400 to 100 over the same period, "and almost every month another fishing boat gives up and goes out of business," according to U.S. Senator BENJAMIN A. SMITH, who lives in Gloucester, in a speech this spring to the Senate.

[From the Christian Science Monitor, Sept. 1, 1962]

MULTITUDES OF COD

Back in 1602, an Englishman named Bartholomew Gosnold made the first commercial fishing expedition off the Massachusetts coast, and came back so impressed by the abundance of the area that he named it Cape Cod.

A member of the Massachusetts Bay Colony, Thomas Morton, wrote that he had found "Multitudes of Cod" and Francis Higgenson recorded in 1630 that "the abundance of seafood are almost beyond believing."

New England's export trade began with shipment of cod to Europe, and capital earned from such trade was important in establishing other New England industries, such as textiles, jewelry, shoes, confectionery.

[From the Christian Science Monitor, Sept. 1, 1962]

COMPETITION PRODS U.S. FISHERMEN

When Soviet fishing boats appeared on Georges Bank off Cape Cod last year, they dramatically reminded Americans of the foreign competition, facing the fishing industry.

The Soviet boats, to be sure, fish primarily for herring and ship them back to the U.S.S.R. (Americans eat very little herring.)

Nevertheless, it emphasized that more nations than ever before are fishing the North Atlantic.

The steady rise of foreign competition has, more than anything else, spotlighted the weaknesses of New England (and American) commercial fisheries. In New England, imports come primarily from Canada, followed by Denmark, Iceland, and Norway.

Danish and Norwegian fishing industries were partially rebuilt with U.S. aid following World War II, and Iceland, which became completely independent from Denmark only in 1944, built its first competitive fishing fleet with American economic help.

OLD U.S. BOATS

These new fleets by contrast point up the antiquity of American boats. The average trawler in the New England fleet is 25 years old. The boat presently being built for the Boston Fleet will be the first new one in 14 years.

Older boats cost more to insure, repair, and operate. They lack capacity, refrigeration facilities (fish are highly perishable and are caught a long way from port), and living conditions that would attract new, younger men to become fishermen.

Despite sharply advancing costs, gross revenues and returns per pound of groundfish landed have declined in constant dollars during the postwar period, according to a study done last year by the Bureau of Business Research at Boston College.

American fishermen point out that foreign boats are often (though not always) built with heavy Government subsidies, sometimes around 50 percent.

FEDERAL SUBSIDY

A 1792 law restricts Americans from building boats overseas, and shipbuilding, steel, and electrical industries and workers oppose any attempt to change the law. A Federal

subsidy passed several years ago pays for a third of the cost of construction in the United States (about $450,000 for a trawler), but owners assert this is not enough and are urging Congress to raise the support.

Supply of fish is another problem. The quantities of haddock and ocean perch, two of the major New England catches, is stabilized with no prospects of increase. Yet an ever greater number of boats are seeking the fish.

Also, fish on the banks closest to New England ports are not as abundant as before, and boats must go farther north, thus putting Canadian boats at an advantage over U.S. boats.

UNCERTAIN ROLE

There are other problems: lack of latest technological equipment aboard and boats, labor problems on the fish piers, lack of quality consciousness among some fishermen (that is, in handling the fish and keeping boats clean), and widely fluctuating prices for fresh fish that make the fisherman's role uncertain.

But looming larger than all other problems and in a sense, causing them all, is the industry's "free enterprise ab absurdum," according to one close observer. Boat owners and fish processors seem unwilling to combine interests.

Most boats are individually owned. In some cases, the crew, not the captain, of a boat determines what fish shall be caught on a given day. (The crew's pay depends on the take, and that day's market prices.)

JUST HUNTERS

The trouble, says Columbus Iselin of Milton, Mass., senior physical oceanographer at Woods Hole Oceanographic Institute, "is that fishermen are just hunters. No one owns the natural resources. The industry lacks management and engineering."

"It is a jungle," says Charles H. W. Foster, Massachusetts Commissioner of Natural Resources. "The industry has up to now lacked leadership, both from within itself, or from State or Federal Government.

"Today," he says, "the industry is somewhat like farming 50 years ago—at a point of history where individualism must give way to cooperation."

[From the Christian Science Monitor, Sept. 19, 1962]

COMPETITION HITS NEW ENGLAND FISHERIES

(By Richard Neff)

Foreign competition is one of the most important problems facing the New England groundfish industry, and that competition comes primarily from Canada's so-called Maritime Provinces—Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland.

About two-thirds of fish imported into the United States comes from Canada.

While New England groundfish industry has seen a steady decline in value and volume of landings, the Canadian industry has shown substantial vitality, according to a recent survey by Boston College.

SUBSIDIES HELP

Haddock landings in the Maritime Provinces, for instance, increased from 35 million pounds in 1946 to 93 million pounds in 1956.

The marked growth of the Canadian industry is partially due to government help, from both the federal and provincial governments in the form of loans and grants for building new boats.

In Newfoundland, for instance, government subsidies run as high as 42 percent, and as much as 90 percent of cash downpayment may also be borrowed at low-interest rates.

The Boston College survey indicated clearly that without government aid most Canadian fishermen would not have been able to accumulate enough capital to build their own boats.

There are other factors in Canadian success in the U.S. market, however. One is the simple fact that the more productive fishings grounds are closer to the Maritime Provinces, so that Canadian boats can make more trips at a lower cost.

STANDARDS LOWER

Also, the lower general standards of living in the Provinces and lack of unionization among fishermen make for lower costs to boatowners.

Nevertheless, the B.C. study noted, the Canadian industry enjoys large advantage also because it has been able to organize itself, and overcome to a considerable extent the individualism that blocks progress of New England's industry.

Of the 50 New England trawlers, for example, all but 9 are individually owned.

That is, most New England trawlers bring in their catch and sell it to a processor or wholesaler for the best price it will bring, and this is one reason why prices in New England are so fluctuating.

INDUSTRY INTEGRATED

In Canada, on the other hand, all trawlers are owned by vertically integrated processors. Thus the processor and the fisherman are on the same team and the result is a stable price and a more certain profit for all concerned.

The effort by a Boston fish processor, Thomas A. Fulham, to build a new boat for the Boston fleet, thus initiating some sort of vertical integration at the Boston fish pier, could well be the future pattern of the industry, and indeed the path of survival.

Current efforts in Congress to raise the subsidies for building of new vessels are, it is granted, a necessary element in this survival.

COOPERATION NEEDED

But most of all, it is agreed, the revival of New England's fishing industry will depend upon the people in the fishing industry themselves and their capacity to pull together after centuries of internal disorganization. Modern-day competition forces a merging of effort, just as it does in so many other aspects of 20th-century economic life.

Admittedly, some inherent advantages of the Canadian industry may remain. But people of the United States are eating more fish all the time, and as the world in general looks increasingly toward the sea for its food there seems a prospect of ample opportunity for all foreign fishing nations and the New England industry as well.

[From the Christian Science Monitor, Sept. 28, 1962]

SOVIET TRAWLERS HUNT FOOD—TOO

(By Bertram B. Johansson)

In addition to the fact that the Soviet Union has espionage capability in its fishing fleets now being extended to Cuba and the Caribbean, it has a need to increase its own and Cuba's food stocks, both admittedly in short supply.

Currently, the Soviet Union is engaged in the greatest expansion of high-seas fishing of any nation in the world, fisheries experts declare.

It plans to increase its fish production 2 million tons a year over the next 7 years. The Soviet Union, which seines a tenth of the world fish catch each year, already ranks among the leading fishery nations with Japan, Communist China, and the United States. Its annual catch has increased from 2 million to 3,700,000 metric tons in the last decade.

FLEET EXPANDS

The Soviet Union's worldwide fleet consists of some 3,000 vessels. It is adding continually to that fleet huge "mother, or factory, ships," 280 feet long, weighing 3,400 tons, and having facilities for freezing, canning, and processing of fish into fishmeal and liver oil.

These ships, some 90 of which are being built now in Poland and East Germany, are equipped with gear that permits them to haul 10-ton catches through a stern chute without damage to the fish.

Ships capable of sighting huge schools of fish with their electronic equipment can also sight submarines, track missile flights, watch coastal shipping, and interrupt communications with the same equipment. There has been evidence that Soviet fishing vessels have attempted to follow the Polaris atomic submarine.

When Soviet fishing vessels were off the Cape Cod and New England coast in late 1961, U.S. Air Force officials said they were postponing some of their SAGE radar defense tests because of the presence of the Soviet fishermen.

Other oceanography authorities say that often the Soviet fishing vessels are collecting information on water temperatures and thermal layers. Thermal layers, or levels of water of different temperatures, are important in antisubmarine warfare in that they bend or refract sound waves in the equipment that seeks out the subs.

This past summer between 200 and 300 Soviet fishing vessels put out from Murmansk to fish the banks off Labrador and Newfoundland for cod, haddock, scallops, and other shellfish that have long provided New England and Canada with a thriving industry. The Murmansk-North Banks trips take 10 days each way. The vessels ordinarily stay 20 to 30 days in the North Banks area.

RADAR VESSELS

Soviet vessels were reported in January 1962 by the Japanese in the East China and Yellow Seas—14 radar-equipped vessels headed by a 4,000-ton mother ship.

The Japanese maritime sources speculated that the Soviets, whom they never saw fishing, were surveying routes for submarine navigation or laying special equipment on the sea bottom to measure the intensity of underground and oceanic nuclear tests.

Soviet fishing fleets have worked for pilchard and mackerel off the cost of South-West Africa with full-scale groups of refrigerator and other vessels, causing considerable anxiety among established fishermen there. More than 50 Soviet ships operate there.

Besides fishing in the wide Pacific, Soviet vessels have been sighted in the North Pacific halibut banks where Canada and the United States share fishing areas off Alaska and northern British Columbia.

[From the Christian Science Monitor, Sept. 28, 1962]

NEW ENGLAND FISHERMEN FACE NEW RIVALS

New competition for New England fishermen is en route from Japan.

Officials of the local fishing industry have learned from the fisheries attaché at the U.S. Embassy in Tokyo that a Japanese trawler, the *Aoi Maru*, left Japan August 20 and will appear at North Atlantic fishing grounds, probably near Greenland, about October 10.

Thus Japan will become the 14th nation fishing in the North Atlantic banks. Many countries in the past few years, including the Soviet Union last year, have started fishing the banks in competition with New England fishermen, and many are selling their catch in the American market. This is the principal reason for decline of the New England fishing industry since World War II.

OCEAN OPEN TO ALL

Ocean waters outside the 3-mile coastal zone are open to all ships.

The *Aoi Maru* is 1,134 tons, about four times the size of most American boats, ac-

cording to an official of the Bureau of Commercial Fisheries. The boat reportedly will sell its catch to two Boston fish processors.

A second Japanese boat applied for permission from its government to come to the North Atlantic. This may mean that a large number of Japanese boats may be on the way in the next few years, a spokesman stated.

NO CLEAR ANSWER

But how is the supply of fish? Can the fishing banks stand to have many more boats scooping fish out of the sea?

Dr. Herbert Graham, director of the Bureau of Commercial Fisheries laboratory at Woods Hole, Mass., stated that there is no clear answer to these questions. Research teams from many nations are studying the problem now.

The 13 nations, including the U.S.S.R., that make up the International Commission for the Northwest Atlantic Fisheries, have established regulations governing the size of nets.

But more boats might bring future necessity of a quota system or some other sort of international regulation.

[From the Christian Science Monitor, Oct. 3, 1962]

REDS SEEK TO TAP TROPIC FISH WEALTH

(By Paul Wohl)

Communist fishing fleets soon will swarm all over the world's southern oceans. Havana is only one spectacular way station on the Soviet Minister of Fisheries' frequent journeys to tropical ports.

"Fishing stations in tropical waters may become for the Soviet bloc what bunker ports were for Britain in the 19th century," one imaginative Communist food expert told this writer 2 months ago on the occasion of a committee meeting of CMEA, the Soviet bloc's Council for Mutual Economic Aid.

The U.S.S.R., with the world's largest modern fishing fleet, leads the campaign. Poland, which on April 29 delivered to Cuba its first modern fishing cutters, is in on the venture. The East Germans ultimately expect to follow suit.

MILITARY PURPOSE NOTED

Fishing in distant water, like shipping, is not a purely commercial operation. Even before World War I, passenger liners had to meet auxiliary-cruiser and troop-transport specifications of British, French, German, and Japanese admiralties. In the 1920's and 1930's Japanese fishing fleets supplied Tokyo with information which helped Japanese submarine raids during the war.

In the present age of electronics, Moscow's motor fleet of insulated tropical trawlers, fish transports, whalers, and marine-research vessels, undoubtedly also is geared to military purposes.

FOOD MAIN ISSUE

But the big issue is food from the southern oceans, which have hardly been tapped. More than 90 percent of the world's fish catch comes from the Northern Hemisphere, and the southern seas cover a 50-percent larger expanse.

Exploitation of their fish wealth is a prerequisite of survival for the world's rapidly increasing population, Food and Agriculture Organization (FAO) experts of the United Nations say. The country which has the lead in this endeavor has much to offer to the undernourished three-fifths of mankind.

This is what the Communists are out to do. Their own people, too, do not have enough meat. Instead of meat they are to get fish, even though today much of it remains "fish in the sky."

Fish, once it reaches the consumer, is cheaper than meat. Four calories of fodder are needed to produce one calory of meat. In order to give the present world population the necessary meat proteins, grain and fodder production would have to be five to six times larger than it is today. Since the world population may more than double before the end of the century, cattle breeding cannot meet food requirements. In addition, the U.S.S.R. has not been too successful in cattle raising. One reason more for them to try it with fish.

The richest fishing grounds are coastal shelves up to 600 feet deep in areas where warm and cold currents mingle. The Caribbean where the Gulf Stream and south equatorial current meet is one such area. Others are the west coast of equatorial Africa, the Indian Ocean off Madagascar, and the waters off west Australia and south of New Zealand.

According to FAO some of the world's richest fishing grounds are off southern California, Ecuador, and southern Brazil.

EXTENSIVE EXPLORATIONS

During the past few years the U.S.S.R. has carried on extensive explorations in the Caribbean, off Africa, and in the Indian Ocean. They say they intend to go farther in the future.

About 50 Soviet vessels currently are exploring fishing prospects in the world's southern oceans, Tass reported last June.

Soviet Minister of Fisheries Aleksander A. Ishkov, who 30 years ago started as chief fishing executive in the Black, Azov, and Caspian Seas, has held his present job since 1946, despite the fact that the Soviet fish catch seldom met the target.

From 1,900,000 tons in 1950, the catch increased to 2,700,000 tons in 1959, but last year it suddenly rose to 3,700,000. Mr. Ishkov's vision, which led him to pioneer in a development of revolutionary implications, has paid off, and the target of the current 7-year plan for 1965—4,600,000 tons—seems in reach.

However, so far neither Soviet citizens nor Poles can buy the fish they need.

Mr. SMITH of Massachusetts. Mr. President, the problems of the fishing industry are not insoluble and many groups are working now to get the fisheries back on their feet. One is private industry. Private firms throughout the country have taken the lead in developing new fishery products in order to expand their markets. Local and State governments are also setting up programs to assist their fisheries before they disappear entirely.

My own State of Massachusetts has, I am glad to say, been among the States that have taken the lead in this field. The legislature just passed a broad new program to coordinate all marine work and provide research funds for the fisheries. Firms in my hometown of Gloucester have developed new fish products to compete for the consumer food dollar. An entire city, New Bedford, combined forces to get the scallop industry back on its feet.

I ask unanimous consent at this point to have printed in the RECORD additional articles from the Christian Science Monitor and the Boston Globe on these subjects.

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

[From The Christian Science Monitor, Sept. 5, 1962]

NEW TRAWLER GRACES HARBOR

(By Richard Neff)

"If one man, living in a rundown area, paints his house, the neighbors may tend to follow suit. Eventually the whole block may be revived."

Thomas A. Fulham, chairman of Fulham Bros. Inc., a fish processing firm, at the Boston pier thinks this way about his new fishing boat.

It is the *M. V. Massachusetts*, a 124-foot, $485,000 steel trawler, presently being built by the Sturgeon Bay (Wis.) Shipbuilding and Dry Dock Co. Launching will be about September 15.

Mr. Fulham hopes the new boat, which will reach Boston ready for service late this year, will be a ray of hope for other disgruntled and pessimistic boatowners at the Boston fish pier.

CONFIDENCE SHOWN

Under Mr. Fulham's leadership, the Boston Fishing Boat Co., Inc., was formed by 30 stockholders in the fishing business. Built with the help of a Federal subsidy and a loan from the John Hancock Mutual Life Insurance Co., the boat symbolizes the confidence of Mr. Fulham and his associates in the future of New England (or at least Boston) fisheries.

A close observer has called Mr. Fulham's effort "the white hope of the industry."

"Look at it this way," says the Boston executive. "The supply of fish, so far as we know, will remain constant. There are ways of maintaining that supply, through careful international regulation and so forth, but there is little known of an economical way to increase the supply of fish.

TREND SEEN

"But the population in the United States and all over the world is going up. The need for protein food will go up, at the same time available land for cattle will go down. Population trends tell us we will have to turn more to the sea for our food."

Already the Sturgeon Bay Co. has indicated that it will build a second new boat for the Boston fleet, and another group has indicated interest in building a third.

Mr. Fulham's confidence and persuasion have induced others at the fish pier to invest in a central washing station and $130,000 worth of Fiberglas fish boxes to replace wooden ones. "These are small efforts, but if you knew what the state of mind has been around here, you would know how significant these improvements are," Mr. Fulham stated.

Perhaps the most significant point of his work is that a fish processor is taking an interest and financial investment in the fishing itself. Rarely does a processor wish to involve himself with many problems of the boatowners, and this lack of joint interest is one reason for the plight of the industry.

PROCESS DEVELOPED

Paul M. Jacobs, executive vice president of Gorton's of Gloucester, Inc., asserts that commercial fisheries "comprise one of the great growth industries of the United States."

He points to statistics showing that per capita consumption of fish rose in the United States from 10.5 to 11 pounds. Some question whether these figures really mean much, but Mr. Jacobs remains confident.

One reason for this confidence is Gorton's recent introduction of its new "Fresh-Lock" process of freezing qualities of flavor, texture, color, and nutrition into the fish.

Under the new process, almost no liquid is lost during the thawing of the fish, and thus little of its "fresh" quality is drained away.

[From the Christian Science Monitor, Sept. 8, 1962]

NEW BEDFORD'S NEW ERA—ROLE OF SCALLOPS

(By Richard Neff)

NEW BEDFORD, MASS.—About 10 years ago, commercial fishing in New Bedford, Mass., was declining like most of the industry elsewhere in New England.

At the same period, few Americans were eating sea scallops.

While these two facts seem to be unrelated, for New Bedford they pointed the way to prosperity for at least part of this city's fishing fleet.

American consumption of scallops has increased by leaps and bounds in the intervening years—due in large part to fishermen here shifting over to this sea crop.

At one point in the decline of the fifties John Linehan, presently director of the New Bedford Harbor Development Commission, came to the town from Maine to take over as secretary of the New Bedford Seafood Producers' Association. As much as any other individual, he is responsible for the expansion of the scallop industry and for New Bedford's unquestioned leadership of that industry.

LACK OF CONTACT

He first saw the lack of contact between the city and the port. Fishermen and port officials functioned apart from other city activities. Neither city nor port cared much about the other.

Mr. Linehan began a selling job—to fishermen on the value of public relations, and to the city on the importance of the port to community economic life. Contacts were made with such groups as the Taxpayers' Association and the Board of Commerce.

"I spoke to every group that would listen to me," he stated, smilingly. The seafood producers began participating in such activities as the Community Chest and the United Fund drive.

By 1953, there was greater community support for the fishing industry. In that year, Mr. Linehan and others (he is quick to credit all who participated) decided to see if the sea-scallop market could be expanded.

A test was made in Hartford, Conn., known in the food industry to be one of the hardest places in the United States to sell new types of food. A scallop promotional campaign there was successful, and the way was cleared for a national drive.

Boat owners and the fishermen through their union agreed to contribute 1 percent of their profits into advertising scallops. Careful, selective advertising was launched through a Manchester, Conn., advertising firm. Press luncheons in major cities, recipe contests, and information to food editors were some of the means of spreading the scallop story.

As a result, by 1961 New Bedford's scallop fleet was landing a record 20,600,000 pounds of scallops valued at $7,800,000—$1,100,000 above the 1960 figure.

San Pedro, Calif., was the leading American fishing port in 1961, with $36,200,000 worth of fish landed, but New Bedford was in second place with $14,800,000 worth of fish landed. (Boston was third with $9,500,000 and Gloucester, fifth, with $6 million.

Rising American demand for scallops has caused record imports, too, but the competition has spurred New Bedford leaders to more effort. They secured a $100,000 Federal grant for a New Bedford Institute of Technology study of the scallop and flounder industry and requested a vessel-cost study from the Bureau of Commercial Fisheries.

HELP SOUGHT

State help is being sought for a freezing plant that will make the whole New Bedford industry more competitive.

Now, another bright new era may be opening for the port. Tuna fishing began this year off Long Island, and a representative of a tuna firm on the west coast, where most tuna has been caught heretofore, said, "These are the richest fishing grounds I've ever seen."

The tuna boats are using New Bedford as one of their home ports and Mr. Linehan and other leaders are pushing efforts to make it the major east coast tuna port, despite competition from Providence, R.I., where there is already a freezing plant.

Another hope for New Bedford is the "fish flour" industry to be covered in a later article.

All phases of the New Bedford "success story"—such as the abundant supply of scallops—may not apply to other New England fishing ports. But, observers agree, the imaginative leadership and cooperation of New Bedford are badly needed elsewhere if the fishing industry is to revive.

[From the Christian Science Monitor, Sept. 17, 1962]

MASSACHUSETTS AID TO FISH INDUSTRY SIGHTED

(By Richard Neff)

The Commonwealth of Massachusetts is on the verge of doing something on the State level to help at least part of the fishing industry.

Under legislation passed this year, the Department of Natural Resources is empowered to take significant new steps to regulate and promote fishing, both commercial and sport, in the territorial waters along the 2,000 miles of Massachusetts coastline. (The 2,000-mile figure includes bays, rivers, inlets, and so forth.)

Foreign vessels are not permitted to come within 3 miles of the coastline, and it is within these waters that great possibilities await the commercial fisheries," according to Charles H. W. Foster, commissioner of Natural Resources.

POLLUTION PROBLEM

Some 15 percent of total fish landings in the State in 1958 came from within territorial waters, but these waters are faced with growing contamination that make many areas useless for commercial fishing.

One out of every 4 miles of Massachusetts coastline is now in some degree of contamination, and about 90 percent of the coast from Boston to New Hampshire is polluted enough to harm fishing, Mr. Foster stated.

"The sea," he pointed out, "is one of the last unchartered frontiers in the field of natural resources. * * * We are realizing that the ocean can no longer be considered an unlimited disposal site for the products of civilization."

NEED FOR FARMING

The need, he stated, is to "farm" the territorial waters just as one would farm land. This would involve careful research into the conditions and resources of these waters, cooperative management in nurturing these resources and correcting bad conditions and, finally, careful harvesting of the crop.

The legislation passed this year stemmed largely from work done by the Massachusetts Advisory Commission on Marine Resources, formed in early 1960 by orders of the Governor and consisting of representatives of all groups using territorial waters.

PERMANENT BODY

After considerable study and public hearings, the group reported in late 1960 and in a supplementary report in late 1961 that the territorial waters were getting no conservation; the potential coastal shellfishery (bay scallops, oysters, clams) was badly underdeveloped; water was increasingly polluted; State fishing regulations were in many ways outdated, complicated, impractical, and unenforcible; law enforcement in the waters was poor; and no budget was available to solve these problems.

The new legislation establishes a permanent nine-member Marine Fisheries Advisory Commission, comprised of representatives of all salt water interests. The commission will provide continuing communication on problems of the coastal waters.

The law also grants to the Department of Natural Resources 1 percent of the State's annual gasoline-tax revenues (about the amount paid by boat owners—roughly $900,000 at present levels) for use in solving the problems of coastal waters.

Two-fifths of this fund will go to the new Marine Fisheries Fund for management, research, promotion, and law enforcement.

EFFORTS COMPARED

State efforts prior to this legislation amounted to licensing and the services of three marine biologists, Mr. Foster reported. Under the new program, he hopes to approach the effective State efforts made elsewhere, such as in Rhode Island, Maine, Maryland, and Virginia.

"Our coastal waters," he stated, "provide an appalling conservation situation. * * * For too long we have been inward-looking. Now it is necessary to look outward toward the sea."

[From the Boston Globe, Sept. 27, 1962]

FISHING INDUSTRY DOING BETTER—GORTON'S OF GLOUCESTER CHALKS UP BIG RISE IN SALES; NEW PROCESS SOLVES FREEZING PROBLEM

(By Peter B. Greenough)

GLOUCESTER.—Here's a fish story about one that didn't get away. A business, no less.

The Gloucester fishing industry—and the city may not yet be fully aware of it—is entering a genuine renaissance. Leading it into this era of productive waters is 200-year-old Gorton's of Gloucester, Inc.

A few years back, along with everyone else in the field, Gorton's could barely chin itself on the wharf, financially. Sales in 1954 dribbled along at $7,710,000. Net income was only $996 or a penny per share of stock.

As of the end of 1962, reckoned as of last March, Gorton's sales had almost quadrupled: $28,102,000. Income after taxes was over $438,000 or a record $3.32 per share. Book value had gone from $20.77 per to $34.93. From a state of no cash dividends, the firm paid out $101,705.

The holes in this fiscal net have been repaired by a triumvirate of young businessmen in their mid-forties. They are:

E. Robert Kinney, president; Paul M. Jacobs, executive vice president; and Harvey H. Bundy, Jr., vice president and treasurer.

Under their aegis Gorton's has become a real "growth" company in a field where it is hard to believe such a situation could exist.

For the past decade, consumption of fish had been a pretty static thing in this country. It averaged, per capita, only 10.4 pounds.

(Each of us in the Bay State average, by comparison, 15 gallons of beer yearly, or 120 pounds of suds.)

Suddenly, last year, fish consumption hopped up to 10.9 pounds per capita, a 5-percent gain.

How so?

Paul Jacobs spelled it out for me during a day-long visit. The reasons are fourfold.

1. Improved quality reaching consumers;

2. A greater variety of "convenience" seafoods;

3. Increased promotional activity by the industry and individual companies like Gorton's; and

4. Medical evidence that fish in the diet helps in cardiac involvements.

Why in the first place do people eat fish?

They consume it, first of all, because "people genuinely like it," says Jacobs. "There's the romance of the sea, too."

Next, the public "wants variety in the diet." Religious dictates come third. And nutrition is the fourth major selling point, Jacobs adds.

While it hardly fits in the edible category (human, that is), another factor behind increasing sales of fish products is agricultural consumption of fishmeal and fish oil.

"The poultry industry," Jacobs says, "has found that fishmeal increases growth faster and also reproductive capacity." The ground here has barely been scratched, he feels.

Gorton's, however, is more interested in feeding people and has come up with what the company thinks is a major technical coup in processing its broad line of frozen fish products.

It is called Fresh-Lock.

For 40 years the fish industry has been plagued with a phenomenon involving freezing, termed "drip loss."

When you thaw a filet of frozen fish, it gives off essential juices which contain important elements of flavor, nutrition, and even appearance. Essentially, it is the difference between the freshlike gleam of newly caught fish and the dull, softish look of the frozen variety.

Gorton's technical director, Earl P. McFey, sought for 3 years a way to end this drip loss. He finally found it in a dip of phosphate chemicals (unable to harm fish because they contain so much phosphorus anyhow).

This newly patented process locks in the valuable proteins, keeps the fish flesh firm and moist and backs up Gorton's contention that its products are "fresher than fresh."

Admittedly, this is a contentious and even a paradoxical slogan. How can a frozen product be "fresher than fresh"?

Because, argues Jacobs, "there is no fresh fish unless you catch it yourself and cook it at once."

What passes as fresh fish in most markets has been kept on ice for days or else has been frozen and then thawed. Gorton's has often proved this by making bacteria counts of the so-called "fresh" fish found in average stalls. The Gorton's line tests far purer.

This Fresh-Lock dipping process is being used on all Gorton's products (save salmon, halibut, and swordfish, which have skins that prevent the application). Nevertheless, some "50 million packages of retail fish" per year will thus be handled, Jacobs says.

"McFey's miracle," as Jacobs calls the Fresh-Lock process, is only one of the many "firsts" that Gorton's has achieved lately—gains stemming from a management that has gotten rid of the defeatist attitude so common to much of the fish industry.

Still, they aren't satisfied at Gorton's. Bundy is not happy with the current 1.6 percent return on sales. "It ought to be closer to 3 percent," which is his current goal.

There are other problems germane to Gorton's and all of Gloucester's fishing. Of these, and what is being done to overcome them, more tomorrow.

Mr. SMITH of Massachusetts. Mr. President, the main problem our fishing industry faces, however, is competition from foreign fisheries. These fisheries receive strong government support. They can afford equipment so superior to ours that they are able—as in the case of the new Japanese trawler—to operate thousands of miles from home and deliver a product to our ports that is often cheaper and better than our own.

In order to meet this competition, the Federal Government will have to do more for our fisheries. Congress should take the lead in proposing constructive new programs to aid the fishing industry.

The groundwork for these programs has already been laid by those Senators who I mentioned earlier. Bills are now before the Congress that could put the American fishing industry back on its feet.

A number of important steps were taken this year toward assisting our fisheries. Congress approved construction of two atomic food irradiators. These could revolutionize the marketing of fresh fish products in this country. The Senate has also approved funds for additional research on fish protein concentrate. This could be of great benefit not only to our fisheries but in this country's worldwide battle against hunger.

More must—and can be—done by this Congress to help the fishing industry. This help cannot come too soon. I hope steps will be taken early in the next session to get a program underway to put this country's oldest industry back where it belongs.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed, and the morning hour is ended.

EXTENSION OF CONTRACT MAIL ROUTES UP TO 100 MILES DURING CONTRACT TERM—REPORT OF A COMMITTEE (S. REPT. NO. 2280)

Mr. MONRONEY. Mr. President, from the Committee on Post Office and Civil Service, I report favorably, with amendments, the bill (H.R. 10936) to permit the Postmaster General to extend contract mail routes up to 100 miles during the contract term, and I submit a report thereon.

The PRESIDING OFFICER. Let the Chair state that earlier today, objection was made to reports by standing committees during the morning hour. The morning hour has now been closed; and reports of committees are not now in order, except by unanimous consent.

Is there objection?

Mr. MONRONEY. Mr. President, I ask unanimous consent that I may submit this report.

The PRESIDING OFFICER. Is there objection? Without objection, the report will be received, and the bill will be placed on the calendar.

WE'VE GOT TO MOVE TO SAVE COTTON

Mr. HOLLAND. Mr. President, all Senators know that cotton production is one of our principal agricultural industries. We also know that the production of cotton has been falling off in recent years, due to various causes, one of which is the type of legislation under which the industry has been operating.

In the Senate Committee on Agriculture and Forestry, the leading voice for the cotton industry and the Senator who knows more, firsthand, about that industry is our distinguished colleague, the senior Senator from Mississippi [Mr. EASTLAND].

I am happy to note in the October issue of the authoritative Farm Journal an article, written by Senator EASTLAND, entitled "We've Got To Move To Save Cotton." I ask unanimous consent that the article be printed in the body of the RECORD, in connection with my remarks.

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

WE'VE GOT TO MOVE TO SAVE COTTON

(By Senator JAMES O. EASTLAND, of Mississippi)

It's high time that we made an important decision on cotton. It's as simple as this:

Are we going to relegate cotton to a minor crop status in this country? Or are we going to get competitive, expand markets and increase acreage?

Farmers, the cotton industry, and the Government must make this decision together—and soon. I believe that if we continue our present policies, cotton is on the way out.

Take a look at this sorry picture and see if you don't agree:

The use of cotton is on the skids. A year and a half ago, the Government raised cotton prices; synthetic manufacturers lowered theirs. Since then, the use of all fibers has increased the equivalent of 3 million bales of cotton.

But cotton consumption increased only 10 percent, back to the 9-million-bale level, while other fibers increased 34 percent—a growth equivalent of 2.1 million bales (6.3 up to 8.4 million).

Exports in the fiscal year just closed slipped back alarmingly—down 1.6 million bales or 25 percent, from the year before. Prospects for next year were not improved, and could be hurt, by the new sales-for-export program.

On August 1, cotton carryover stocks had climbed one-half million bales higher than the year before—following 5 years of success in whittling the surplus by more than 7 million bales.

Foreign cotton plantings—our competition—are now significantly higher for the first time since 1956.

And finally, cotton imports threaten to swamp our U.S. mills—the outlet for two-thirds of our cotton.

All the more frightening: this situation will get much worse—in short, untenable—if we don't act soon.

The trouble is easy to find. Remember where we were in 1955? I reviewed the situation in an article for Farm Journal in June of that year. For years we had failed to sense the absolute necessity for cotton prices to be competitive. We had followed a policy of high support prices and reduced acreage, thinking it the best thing for growers. But by 1955 we had suffered serious losses to competing products at home—and our export market was all but lost, dwindling down to only 2.2 million bales—a peacetime low in the last 86 years. Our carryover had increases to 14.5 million bales—an alltime high.

Despite the boom in population, overall use of our cotton had dropped to 11.4 million bales, the lowest since 1938, not counting the war years.

Then, in 1956, we started a vigorous cotton export program. And 2 years later we passed the Agricultural Act of 1958, with its "A" and "B" choices. Essentially what we did was move toward lower supports and more acres.

These two great developments reversed the course for cotton. It began to get competitive and won back customers as markets expanded substantially; the boom in synthetics was slowed; and foreign cotton output was stabilized.

But last year the Secretary of Agriculture pulled a reverse switch. He raised price supports, which hiked the price of cotton more than 3 cents at home. Further, he raised export subsidies 40 percent—2½ cents a pound—leaving the price of American cotton in world markets higher than before.

In one sense, the increase in price supports wasn't unpopular with most cotton farmers—although it brought relatively little increase in net income to choice "A" cotton growers. But now we've had a year and a half to test the results and look into the future.

It has put us back on the track that leads to tighter controls, smaller acreages and dwindling markets.

That's why I say we are now at the crossroads, at a point where we must decide to either liquidate the cotton industry as we know it—or fight to keep our cotton acreage.

How can we save cotton? Well, it won't be easy. But it can be done if we change directions.

Some have proposed, as a solution, an additional subsidy on our domestic consumption—something in the nature of compensatory payments to make up the difference between a higher support level and a lower market price. This is utterly fantastic. We can't expect the Government to assume additional cotton program expenses. The people who urge this simply do not understand the fiscal facts of life in Washington.

You can also take my word for it that we can't even continue the present program for long at its current cost. The American people are looking askance at the present subsidies for agriculture.

I am convinced that we're wasting our time reshuffling various Government price and production schemes for the real answer. It simply isn't to be found in another gadget or gimmick in a Government program.

The only way we can solve the problem is to reduce our domestic price in order to meet our competition and reduce our export costs. To live with this we'll have to reduce the cost of cotton. Not just the cost of growing cotton, but the cost of harvesting, ginning, handling and processing cotton. This is the very heart of our problem.

I am convinced that there are tremendous opportunities to reduce costs and losses. The nearly 50 kinds of bugs that do damage all across the Cotton Belt cause losses of $350 million a year; applying chemicals adds another $150 million. Disease costs $400 million a year.

Weeds cost farmers $20 an acre for hoe labor as an average. Better herbicides would have big possibilities for reducing this 4-cent-a-pound cost.

And there is great potential in reducing boll shed, increasing the uniformity of our stands and raising our picking efficiency.

Besides this, there is enough loose motion and antiquated practices between the gin and cotton yarn and fabric to make significant savings.

It's apparent that we can cut costs and losses by 6 or 7 cents a pound.

Where can we start? Well, we know that present research efforts on both weeds and diseases are woefully inadequate. We need more research on all phases of production and marketing—which can pay off big.

Along with this, we need a clear declaration by the cotton industry, by cotton growers, and by the Government that we intend to make cotton prices competitive. Lower price supports must be geared to cuts in production costs through research and other means to maintain and increase net income. This policy needs to be announced so that our competitors and our customers, both at home and abroad, understand it.

The rewards will be more acreage, relief from the cost-price squeeze, improved income, lower Government costs, and greater benefits from an expanding economy and a rising population.

NEED FOR CLARIFICATION OF THE MALLORY RULE

Mr. KEATING. Mr. President, the U.S. court of appeals 5 to 4 decision in Killough against United States, will certainly revive the dormant movement for legislation clarifying the Mallory rule. Before this decision, it was assumed that the Mallory rule had been sufficiently broadened in practice so as to avoid the perils to reasonable law enforcement which were first anticipated. Any such assumptions have now been shattered by the incredible decision in the Killough case.

Killough killed his wife. Killough's first confession in this case was made before he was taken before a committing magistrate. That confession was excluded at the trial, by District Judge Youngdahl; and there is no denial that this was correct under the Mallory decision. Thereafter, however, the defendant was fully advised of his rights by a committing magistrate; and, in the words of Judge Youngdahl, the defendant made another voluntary confession "after adequate time for deliberate reflection." There is nothing in the record to indicate in any way any undue pressure of any kind upon him; and he made the second confession after he had been before the committing magistrate. Despite that finding, a majority of the court of appeals, in this close decision—which was reached by a 5 to 4 vote—excluded the second confession, and reversed Killough's conviction of manslaughter for strangling his wife.

All persons who respect the law reject the notion that unlawful means are justified by lawful ends. However, it is impossible for me to understand how the use in evidence of a voluntary confession made after a defendant has been fully warned of his rights can be fairly described as unlawful.

This decision has stretched to the breaking point the sanctions against delay in arraignment. It is certain to give renewed impetus to the efforts, initiated after the Mallory decision, to restore some balance to the handling of these cases in the District of Columbia.

I bow to no one in my concern for individual rights. This concern however is not limited to the rights of defendants in criminal trials. Sometimes it seems that only their rights are considered. However, the victims of crime deserve protection, also, against the brutal denials of life and liberty involved in every assault and murder. It is not necessary to deny anyone's individual rights, in order to maintain law and order. But neither is it proper to elevate rules of procedure and the convenience of defendants to a level which forbids the most reasonable efforts to punish crime.

There is danger in too little police power, as well as in too much police power. Decisions such as this one are a threat to the security of the community and to the life and liberty of its inhabitants. They are not required by any provisions of the Constitution.

Mr. President, I hope the Government will pursue this case to the Supreme Court, if possible, in order to give the Supreme Court an opportunity to clarify the reach of the Mallory case decision, on which there has been some difference of opinion among the Court decisions. Unless some semblance of commonsense is restored by such judicial action, Congress will have no choice but to enact corrective legislation at the earliest opportunity.

KENYON B. ZAHNER

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2161, House bill 10501.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 10501) for the relief of Kenyon B. Zahner.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the bill was considered, ordered to a third reading, read the third time, and passed.

TOLL BRIDGE ACROSS THE RIO GRANDE NEAR DONNA, TEX.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2240, House bill 683.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 683) to authorize the Donna-Rio Bravo Bridge Co. to construct, maintain, and operate a toll bridge across the Rio Grande near Donna, Tex.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with amendments, on page 2, line 9, after the word "Mexico", to insert "and"; after line 9, to insert:

(4) the approval of the Commissioners Court of Hidalgo County, Texas;

On page 3, after line 7, to strike out:

SEC. 4. Notwithstanding the provisions of section 6 of the Act of March 23, 1906 (33 U.S.C. 496), this Act shall be null and void unless the actual construction of the bridge referred to in the first section of this Act is commenced within three years and completed within five years from the date of enactment of this Act.

SEC. 5. The right to alter, amend, or repeal this Act is expressly reserved.

And, in lieu thereof, to insert:

SEC. 4. The Rio Grande Railway and Bridge System, of McAllen, Texas, is authorized to construct, maintain, and operate a toll bridge or bridges and approaches thereto, across the Rio Grande at or near Pharr, Texas, and for a period of sixty-six years from the date of completion of said bridge, to maintain and operate same and to collect tolls for the use thereof, so far as the United States has jurisdiction over the waters of such river in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906 (33 U.S.C. 491–498, inclusive), subject to—

(1) the conditions and limitations contained in this Act;

(2) the approval of the International Boundary and Water Commission, United States and Mexico;

(3) the approval of the proper authorities in the Republic of Mexico; and

(4) the approval of the Commissioners of Court of Hidalgo County, Texas;
with respect to the construction, operation, and maintenance of such bridge.

On page 4, after line 13, to insert a new section, as follows:

SEC. 5. The Rio Grande Railway and Bridge System may fix and charge tolls for transit over the bridges referred to in section 4 of this Act in accordance with the laws of the State of Texas, and the laws of the United States, applicable to such tolls, and the rates of toll so fixed shall be the legal rates until changed under the authority contained in section 4 of the Act of March 23, 1906 (33 U.S.C. 494).

After line 20, to insert a new section, as follows:

SEC. 6. The Rio Grande Railway and Bridge System may sell, assign, transfer, or mortgage the rights, powers and privileges conferred on such company by this Act to any public agency, or to an international bridge authority or commission, and any such agency, authority, or commission is authorized to exercise the rights, powers, and privileges acquired under this section (including acquisition by mortgage foreclosure) in the same manner as if such rights, powers, and privileges had been granted by this Act directly to such agency, authority, or commission.

On page 5, after line 5, to insert a new section, as follows:

SEC. 7. Notwithstanding the provisions of section 6 of the Act of March 23, 1906 (33 U.S.C. 496), this Act shall be null and void unless the actual construction of the bridges referred to in this Act are commenced within three years and completed within five years from the date of enactment of this Act.

After line 11, to insert a new section, as follows:

SEC. 8. The right to alter, amend, or repeal this Act is expressly reserved.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection?

There being no objection, the amendments were considered and agreed to en bloc.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An Act to authorize the construction, maintenance, and operation of certain toll bridges across the Rio Grande."

GEORGE EDWARD LEONARD

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2235, House bill 12217.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 12217) for the relief of George Edward Leonard.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the bill was considered, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

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

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

EXECUTIVE MESSAGES REFERRED

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

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

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance:

John G. Green, of Wisconsin, to be collector of customs for customs collection district No. 36, with headquarters at Duluth, Minn.-Superior, Wis.;

Mrs. Kathryn E. Granahan, of Pennsylvania, to be Treasurer of the United States; and

Michael Stramiello, Jr., of New York, to be appraiser of merchandise in customs collection district No. 10, with headquarters at New York, N.Y.

EXECUTIVE REPORT OF COMMITTEE ON ARMED SERVICES

Mr. RUSSELL. Mr. President, from the Committee on Armed Services, I report favorably 294 nominations for temporary promotion to the grade of captain in the Navy. These names have already appeared in the CONGRESSIONAL RECORD. In order to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk, for the information of any Senator.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the nominations will lie on the desk, as requested by the Senator from Georgia.

The nominations are as follows:

William L. Adams, and sundry other officers, for temporary promotion in the U.S. Navy.

The PRESIDING OFFICER. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the consideration of the nominations begin with postmasters and that they be considered en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the nominations will be considered en bloc.

The question is, Will the Senate advise and consent to these nominations?

Mr. PROXMIRE. Mr. President, reserving the right to object, in my fight to have the nomination of Mr. John G. Green, to be a collector of customs for Superior-Duluth considered in this session, I have introduced a resolution to discharge the committee. Mr. Green is eminently qualified. There is no objection whatsoever to Mr. Green, though his nomination has not yet been reported. I reserve the right to object to the pending nomination so that I may inquire about this status of the Green nomination.

Mr. MANSFIELD. Mr. President, if the Senator from Wisconsin will yield, I wish to state that, at his request, on two occasions during the past week, I have consulted the chairman of the Finance Committee and other members of the committee about this particular nomination, as well as other nominations pending in that committee. I was treated with every courtesy by the chairman and members of the committee whom I consulted, but unfortunately, on the last two occasions when the committee met, a quorum was not present. As I understand, the Finance Committee operates under the rule that a quorum must be present. So far as my contacts with the committee disclose, there has been no tendency to delay consideration of the proposed nomination; it was merely a matter of not having a quorum present. I believe I have correctly stated what occurred.

It is my understanding the chairman of the committee is endeavoring to poll the members of the committee on these various nominations. I express the hope that, on that assurance, the Senator from Wisconsin will withdraw the resolution and not press the matter at this time, and trust to the good faith of the committee in this matter.

Mr. PROXMIRE. I thank the majority leader from the bottom of my heart. The action on his part has been very helpful.

I also thank the chairman of the Finance Committee. This is all I can ask for. If the committee should after being polled oppose the nomination, I would let the matter go. On the other hand, if the nomination is approved by the committee, it would go to the calendar so the Senate can act. This is all I ask.

Mr. MANSFIELD. Mr. President, has the Senator withdrawn his resolution?

Mr. PROXMIRE. With that understanding, I withdraw my resolution.

Mr. MANSFIELD. May I say, in all fairness, the Senator from Wisconsin [Mr. WILEY], did indicate to me on one occasion that he would like to be notified if the nomination was placed on the calendar. That has been my only contact with him in that regard.

Mr. PROXMIRE. Mr. President, I want to be sure I understand. I am withdrawing my resolution with the understanding that the committee will be polled, and if a majority of the committee favor the nomination, the name of John G. Green will be placed on the calendar.

Mr. MANSFIELD. That is my understanding.

The PRESIDING OFFICER. The question is, Will the Senate advise and

consent to the nominations for postmasters?

Mr. DIRKSEN. Mr. President, I may say to the junior Senator from Wisconsin that the senior Senator from Wisconsin, as he knows, feels very deeply about this matter. For very important reasons, he has had to return to the State of Wisconsin. He has committed to my keeping and to my responsibility whatever action may be dictated by the circumstances or whatever action may come up in the form of a resolution to discharge the Finance Committee from further consideration of the nomination. I understand now the Finance Committee has been polled, and that it proposes to submit the nomination.

I have suggested that no action be taken, however, at this time on the theory that we shall probably be in session next week, which will doubtless give the senior Senator from Wisconsin the opportunity to return to Washington.

In the statement he left with me he does not take the position that the nominee is unqualified, nor does he take the position that the Senate Finance Committee cannot report the nomination if so desired.

He feels that, as long as the incumbent has only 5 months more to serve out his announced term, courtesy and consideration would dictate that that be done. He left with me a statement, which I shall ask to have printed in the RECORD as the statement of the distinguished senior Senator from Wisconsin [Mr. WILEY].

Mr. DIRKSEN. Mr. President, I respectfully suggest that no action be pressed on the nomination at the moment. I am aware of the fact that we are in a position where it is difficult to tell whether we will be in session beyond tomorrow. I would certainly not want to prejudice the junior Senator from Wisconsin in that respect, but I would have to exercise whatever rights we have under the rules in order to effectuate the responsibility the senior Senator from Wisconsin has entrusted to me. I think the junior Senator from Wisconsin appreciates that.

Mr. PROXMIRE. Yes; I appreciate it very much.

Once again I want to say it is obvious that there is no objection to the nominee's qualifications. The senior Senator from Wisconsin has given a very interesting reason, through the Senator from Illinois, for opposing approval of the nomination. This is that the person who presently occupies the customs collector position has only 5 months to serve before his term expires. It seems to me it would be unusual, and a new precedent to establish that a collector of customs shall not serve at the pleasure of the President, but shall serve for however long he wishes, even though it may intervene with the wishes of the President in appointing a new nominee. However, we can discuss this question later.

I want to add, however, I would feel very strongly that I would have to press for the consideration of this nomination along with the other nominations from the Finance Committee. At the same time, those nominations may go over until Saturday. If they do, of course, I would defer my plea for consideration of the nomination of Mr. Green. However, if the other nominations are to be considered now, in view of the possibility that we may not have another executive session, it might foreclose the consideration of Mr. Green's nomination. Therefore, I trust the majority leader would not have any of the nominations from the Finance Committee considered by the Senate without considering the Green nomination.

The PRESIDING OFFICER. Without objection, the resolution is indefinitely postponed.

The Chair reminds Senators that the question before the Senate is the approval en bloc of postmaster nominations on the Executive Calendar.

Is there objection to the confirmation of the nominations? The Chair hears none; and, without objection, the nominations are confirmed.

Mr. DIRKSEN. Mr. President, in response to the observation by the junior Senator from Wisconsin, it is pointed out in the statement that in the case of a U.S. attorney and in the case of at least two marshals in the State of Wisconsin, there were overages after a change in administration. In one case I think it ran 2 years and 5 months. So it is not unusual for a person to serve beyond the change of an administration.

Mr. PROXMIRE. Yes. This incumbent, appointed by President Eisenhower March 24, 1959, has served more than a year and three-quarters under President Kennedy. However, I think in the instances given by the distinguished Senator from Illinois the delay occurred because the President at the time, President Eisenhower, had not nominated successors. The reason why those men continued those terms of service, although a new administration had come into office, was that successors had not been nominated. Nominations were not before the Senate. It was not a question of objection by a Senator of the party opposite to that of the President.

Mr. DIRKSEN. Mr. President, I reutter the hope that the nomination will not be pressed as of now. I shall be entirely fair about it, and still try to protect the rights of the senior Senator from Wisconsin. I have discussed this with the majority leader. I think he fully understands my own present dilemma.

Mr. MANSFIELD. Mr. President, the distinguished minority leader is doing exactly what I would do if I were in his position. I think it is the only fair way to conduct business.

Mr. PROXMIRE. Mr. President, I understand perfectly the position of the minority leader. I think he is doing exactly what he has to do.

Mr. MANSFIELD. Mr. President, have the postmaster nominations been confirmed?

The PRESIDING OFFICER. They have been confirmed.

Mr. MANSFIELD. Mr. President, I ask that the Senate proceed to the consideration of the other nominations on the Executive Calendar.

The PRESIDING OFFICER. The clerk will state the next nomination.

FEDERAL TRADE COMMISSION

The legislative clerk read the nomination of A. Leon Higginbotham, Jr., of Pennsylvania, to be a Federal Trade Commissioner for the term of 7 years from September 26, 1962.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. COAST GUARD ACADEMY

The legislative clerk read the nomination of Roderick M. White to be a member of the permanent commissioned teaching staff of the U.S. Coast Guard Academy with the permanent grade of lieutenant in the U.S. Coast Guard.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COAST AND GEODETIC SURVEY

The legislative clerk proceeded to read sundry nominations of persons to be appointed in the Coast and Geodetic Survey.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations may be confirmed en bloc.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Montana? The Chair hears none; and, without objection, the nominations are confirmed en bloc.

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

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

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

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

TARIFF CLASSIFICATION DESCRIPTION FOR LIGHTWEIGHT BICYCLES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1656, H.R. 8938.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 8938) to provide a more definitive tariff classification description for lightweight bicycles.

The PRESIDING OFFICER. The question is on agreeing to the motion by the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 8938) to provide a more definitive tariff classification description for lightweight bicycles.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AUTHORITY TO TESTIFY AND PRODUCE DOMUMENTS AT DISBARMENT TRIAL OF METRO HOLOVACHKA

Mr. McCLELLAN. Mr. President, I submit a resolution and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated for the information of the Senate.

The legislative clerk read the resolution (S. Res. 412), as follows:

Whereas the matter of the disbarment of Metro Holovachka, Cause No. 30257, is pending before the Supreme Court of Indiana; and

Whereas the office of the attorney general of Indiana has requested that Richard G. Sinclair and John T. Thiede, former staff members of the Senate Select Committee on Improper Activities in the Labor or Management Field, appear as witnesses during the trial of the aforementioned case; and

Whereas the office of the attorney general of Indiana has requested certain documents of the said former Select Committee on Improper Activities to be used in connection with the aforementioned disbarment proceeding; and

Whereas the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations has in its possession, by virtue of Senate Resolution 255, section 5, 86th Congress, the files and records of the former Senate Select Committee on Improper Activities in the Labor or Management Field, including those requested by the office of the attorney general of Indiana in connection with the aforementioned criminal proceeding; and

Whereas by the privileges of the Senate of the United States no document under the control and in the possession of the Senate of the United States can, by the mandate or processes of the ordinary courts of justice, be taken from such control or possession but by its permission; and

Whereas by the privilege of the Senate and by rule XXX of the Standing Rules of the Senate, no document shall be withdrawn from its files except by the order of the Senate; and

Whereas information secured by the staff employees of the Senate pursuant to their official duties as employees of the Senate may not be revealed without the consent of the Senate: Therefore be it

Resolved, That Richard G. Sinclair and John T. Thiede, former staff members of the Senate Select Committee on Improper Activities in the Labor or Management Field, be authorized to appear and testify at the aforementioned proceeding; and be it further

Resolved, That the chairman of the Permanent Subcommittee on Investigations of the Committee on Government Operations is authorized to comply with the aforesaid requests and deliver the requested documents in the possession of the said committee to the office of the Attorney General of Indiana for use in the aforementioned proceedings; and be it further

Resolved, That during the periods of time that the Senate is in adjournment sine die, the chairman of the said subcommittee is authorized, in his discretion, to comply with such further requests as might be received from the parties in the above-mentioned litigation which might call for the testimony of former staff members of said Select Committee or for the production of further documents in the possession of the said subcommittee, so that the ends of justice shall be met thereby.

The PRESIDING OFFICER. Is there objection to immediate consideration of the resolution?

Mr. KUCHEL. Mr. President, reserving the right to object, I should like to ask my colleague if this has been cleared with the minority.

Mr. McCLELLAN. I ask for its clearance. Others like it have been cleared with the minority.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCLELLAN. Mr. President, there is presently pending before the Supreme Court of the State of Indiana the matter of the disbarment of Metro Holovachka, former prosecuting attorney of Lake County, Ind.

By letter of October 1, 1962, the office of the attorney general, State of Indiana, has advised me, as chairman of the Permanent Subcommittee on Investigations, that it will be necessary for Richard G. Sinclair and John T. Thiede, former staff members of the Select Committee on Improper Activities in the Labor or Management Field, to testify at the trial of this matter and further that certain documents from the files of the select committee will be needed as evidence during the trial.

As Senators know, by Senate Resolution 255, section 5, 86th Congress, 2d session, the files of the former select committee have been placed in the custody of the Permanent Subcommittee on Investigations of the Committee on Government Operations.

On behalf of the Committee on Government Operations I submit this resolution, the purpose of which, under existing Senate rules, is to permit Messrs. Sinclair and Thiede to testify at the aforementioned trial and to release to the attorney general of the State of Indiana those documents of the former select committee which will be necessary for the aforesaid proceedings.

I ask that this resolution be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 412) was agreed to.

COMPENSATION FOR CERTAIN WORLD WAR II LOSSES—CONFERENCE REPORT

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7283) to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses.

Mr. LONG of Louisiana. Mr. President, I believe that this is a good conference report and that the bill will be signed by the President.

I hold in my hand a letter from Edward D. Re, Chairman, Foreign Claims Settlement Commission of the United States, in which he states that while he does not agree with every provision, on the whole he feels that the bill is a good bill. I ask unanimous consent that the letter be printed in the RECORD at this point.

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

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES,
Washington, D.C., October 5, 1962.

Hon. RUSSELL B. LONG,
U.S. Senate, Washington, D.C.

DEAR SENATOR LONG: This is in response to your oral request for the views of the administration with respect to H.R. 7283 as reported by the conference committee and now pending before the Senate. The bill in this form has already passed the House.

While not entirely satisfactory in all respects, H.R. 7283 fully meets the major objectives of the war claims legislation sought by this administration as well as achieving certain desirable secondary purposes. The major result which this bill would accomplish would be to end the long delay in settling the war claims of thousands of individuals suffering property damages during World War II, particularly those sustaining losses as the result of German actions in Europe. This would provide for a settlement of the only remaining valid unsatisfied group of claims growing out of World War II. Any further delay in payment of these claims would be highly inequitable and unjust to the many claimants who have already waited more than 17 years for payment.

Accordingly, the administration strongly recommends prompt enactment of H.R. 7283 by the Senate.

Sincerely yours,

EDWARD D. RE,
Chairman.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the statement of the managers on the part of the House of the conference report, which makes clear the attitude of the Members of the House toward the conference report.

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

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7283) to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

TECHNICAL AND CLERICAL AMENDMENTS

The following Senate amendments made technical, clerical, clarifying, or conforming changes: 1, 2, 3, 4, 7, 10, 11, 12, 17, and 18. With respect to these amendments the House recedes in order to conform to other action by the conference, or the Senate recedes in order to conform to other action agreed on by the committee of conference.

LATE NATIONALS

Amendment No. 5 would have authorized payment of war claims to persons presently U.S. nationals, who were not such nationals at the time the loss occurred.

Amendment No. 8 would have authorized the Foreign Claims Settlement Commission to determine the amount and validity of, and

provided for the payment of claims of certain U.S. nationals who, while nationals of the United States or any government allied or associated with the United States during World War II, were detained as internees, or who, while serving in the armed forces of any government allied with or associated with the United States, were interned as prisoners of war during World War II, and who have since become U.S. nationals.

Amendment No. 9 would have authorized and directed the Foreign Claims Settlement Commission to receive and determine the validity and amount of claims of refugees from certain Communist countries who suffered loss or destruction of, or physical damage to, property in such countries during the period beginning May 8, 1945, and ending January 1, 1952.

With respect to amendments Nos. 5, 8, and 9, the Senate recedes, with the understanding that in the event there remains a balance in the war claims fund after the payment in full of claims provided for under this bill, consideration would be given to legislation providing for payment to these categories of persons. The committee of conference recommends that the Foreign Claims Settlement Commission should proceed to make an estimate of the amount of claims that would be involved in these amendments.

SMALL BUSINESS CLAIMANTS

Amendment No. 6 would provide for payment in full, after payments have been made in full for certain death and disability claims, to claimants certified by the Small Business Administration to have been small business concerns at the time of loss, damage, or destruction to its property. The House recedes with a clerical amendment.

SALE OF GENERAL ANILINE & FILM CORP.

Amendment No. 13 contains the provisions of H.R. 3460, as passed by the House of Representatives on August 9, 1962. This amendment, which authorizes the sale, in time of war or national emergency, of any property or interest claimed in any suit filed under section 9(a) of the Trading With the Enemy Act, in substance, will provide for the sale of the General Aniline & Film Corp. The history of the problem dealt with in this amendment is set forth in full in House Report No. 2046, 87th Congress, accompanying H.R. 3460. In view of the sizable amounts involved in this sale, the managers on the part of the House expect that the Department of Justice will advise the Congress in advance of the arrangements made by the Department with respect to such sale.

CLAIMS OF SUCCESSOR ORGANIZATIONS

Amendment No. 14 provides for the settlement of claims of successor organizations for the return of vested heirless property. A House bill on this subject, H.R. 5028, was reported from the Committee on Interstate and Foreign Commerce on July 24, 1962.

DIVESTMENT OF ESTATES AND TRUSTS

Amendment No. 15 provides for the divestment of the Government's interest in vested estates, trusts, insurance policies, etc. All rights and interests in such property which have not become payable or deliverable to the Attorney General prior to December 31, 1961, would be divested.

DIVESTMENT OF COPYRIGHTS

Amendment No. 16 provides for the divestment of the Government's interest in certain copyrights. This subject was dealt with in H.R. 9045 which passed the House on August 13, 1962.

This amendment, as agreed to by the conferees, also provides for the Court of Claims to hear, determine, and report to the Congress concerning claims arising out of the vesting of certain shares of the General Dyestuff Corp. These shares were vested by the United States during World War II on the theory that their ownership by an American citizen was serving to cloak ownership by German nationals. Proceedings in the court must be instituted within 1 year after the date of enactment of this bill.

OREN HARRIS,
PETER F. MACK, Jr.,
LEO W. O'BRIEN,
JOHN D. DINGELL,
J. ARTHUR YOUNGER,
MILTON W. GLENN,
Managers on the Part of the House.

Mr. JAVITS. Mr. President, I did not have an opportunity yesterday to say a word about the conference report providing compensation for certain World War II losses, on which the Senate will vote at 1:30. I find great satisfaction in the conference report in many respects, except its denial of what I consider to be equal justice to those who had the great misfortune to be refugees from nazism and other tyrannies and at the time were not citizens of the United States, when their property was seized, because, of course, they could not anticipate what would happen.

It is very unwise for us to deny these unfortunate people a measure of justice by denying it to them on the ground that they were not U.S. citizens, when their property was seized. This was an international holocaust, Mr. President, and they were driven off their lands and despoiled of their property by the most brutal tyranny the world has ever known.

Nonetheless, that has been the decision of the conferees. I shall support the conferees, because in other respects it does do justice to people who have waited for many years to have their claims adjusted.

I shall introduce legislation to give these claimants at least a measure of justice, which the managers of the House state in the report they would be entitled to receive in the event there remains a balance in the war claims fund after the payment in full of claims provided for under the conference report.

I now pledge my good faith, if I am returned to the Senate next year, to continue my fight for these unfortunate people.

The PRESIDING OFFICER. The hour of 1:30 having arrived, under the order of the Senate, the Senate will proceed to vote, without further debate, on the question of agreeing to the conference report.

The report was agreed to.

Mr. LONG of Louisiana. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

TARIFF CLASSIFICATION DESCRIPTION FOR LIGHTWEIGHT BICYCLES

The Senate resumed the consideration of the bill (H.R. 8938) to provide a more definitive tariff classification description for lightweight bicycles.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. What is the pending business?

The PRESIDING OFFICER. Calenwar No. 1656, a bill to provide a more definite tariff classification description for lightweight bicycles.

RACE DISCRIMINATION IN THE DISTRICT OF COLUMBIA

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

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. MORSE. Mr. President, for a few moments I wish to speak in regard to a very serious local problem that confronts the District of Columbia, but a local matter that has great ramifications throughout the Nation and throughout the world, for the problem of the shocking race discrimination that exists in the District of Columbia is hurting America around the world. Unless we bring it to an end quickly, it will do great damage to the United States in international conference after international conference, including the pending session of the General Session of the United Nations.

After conducting an intensive investigation including a 2-day hearing on the status of equal housing opportunity in the Nation's Capital, the U.S. Commission on Civil Rights last week issued its report of findings and recommendations.

The basic finding of this report is that "the Washington Metropolitan area is racially segregated in its housing pattern and that discrimination—by real estate brokers, builders, and mortgage finance institutions—is the principal cause of the segregated pattern." The Commission found evidence of "a concerted refusal by members of the housing and home financing industry to deal with minorities seeking to live in certain neighborhoods and communities in the Washington area."

In addition, the Commission found that the experience of nonwhite diplomats encountering housing discrimination is a matter of serious concern to the Department of State and "threatens to interfere with the effective conduct of foreign relations."

The key recommendations of the Commission on Civil Rights call on the Board of Commissioners of the District of Columbia to issue and effectively implement a regulation prohibiting discrimination on the basis of race, color, religious or national origin in the sale, rental or financing of housing accommodations. In addition, the Commission recommended that the Board of Commissioners require the suspension or revocation of real estate broker and apartment house owner licenses issued under provisions of the District of Columbia code. These recommendations were unanimously adopted, enjoying the support of the Commission's southern members as well as those from the North.

Twenty-one prominent civic leaders in the District of Columbia have urged the issuance of an effective District of Co-

lumbia order to end housing bias. The Washington Post of Sunday, September 30, 1962, carried the letter to the editor signed by both Democrats and Republicans urging the issuance of a housing regulation which would successfully eliminate housing discrimination from the Nation's Capital.

I ask unanimous consent that the letter be printed at this point in my remarks.

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

FOR AN EFFECTIVE HOUSING LAW

At long last it appears that a fair housing practices regulation will soon be issued prohibiting discrimination in the District of Columbia. The report of the U.S. Commission on Civil Rights has recommended such a regulation and Mr. Walter N. Tobriner, president, Board of Commissioners, has indicated that such an ordinance is forthcoming.

The issue is no longer whether an ordinance will be issued or even when, but whether it will an effective and enforcible ordinance.

After so many people in the District of Columbia have publicly indicated their strong support for a regulation prohibiting housing discrimination, it would indeed be a disappointment if the Commissioners issued a housing ordinance which is ineffective or inadequate. A regulation which fails to solve the problem of housing discrimination will only frustrate and discourage Negroes and other D.C. citizens and will result in an increase in racial tension, animosity, and hostility.

It therefore becomes imperative that the ordinance to be issued by the District Commissioners contain the essential and minimum ingredients for effective administration. Experience gained under the 15 State and local fair housing laws already enacted, shows that the indispensable elements of an effective housing law are comprehensive coverage of the housing market in the area and an administrative tribunal with power to investigate and conciliate complaints and to issue enforcible orders.

1. Comprehensive coverage: It is recommended that the District of Columbia housing ordinance prohibit discrimination by real estate brokers, lending institutions, builders and property owners in the sale and rental of all housing accommodations.

2. An administrative tribunal: Experience with civil rights statutes over the past 50 years has demonstrated beyond any doubt that statutes which rely solely on criminal prosecution for enforcement have been singularly ineffective in eliminating discriminatory practices. Criminal sanctions are necessary but they cannot alone do the job. Of the 15 State and local antibias statutes covering private housing, all but two incorporate the administrative tribunal method of enforcement.

It is therefore recommended that the housing ordinance place responsibility for enforcement with an expert and dedicated administrative tribunal having powers to:

(a) Initiate, receive, and investigate complaints of discrimination.

(b) Eliminate any unlawful practices found, by persuasion and conciliation.

(c) Conduct public hearings and issue orders enforcible by means of civil remedies in the courts.

(d) Take action which will result in the revocation or suspension of the licenses of real estate brokers and apartment house owners found violating the ordinance.

(e) Execute a general public education program.

The administrative investigation and informal conciliation conference spare both parties the costly, tedious and time consuming process of litigation and insure to both parties a full and fair hearing with a minimum of publicity and public embarrassment. Over 35 State and local antidiscrimination statutes in employment, housing, public accommodations and education have proven the success of this approach. The great majority of complaints are thus settled administratively, without need for litigation. It is hoped that the District Commissioners will profit from the experiences of others and not repeat the errors of the past.

If the District Commissioners adopt a regulation which embodies these essential ingredients then the Nation's Capital may look forward in the near future to the day when all American citizens and international visitors, regardless of their color, will enjoy the freedom to select their homes where their financial means will allow and their preferences dictate. Harmonious relationships between all groups in our community will then be built on the foundation of equality of housing opportunity, fully and effectively protected by law.

Joseph L. Rauh, Jr., Walter Lewis, James Heller, Monroe Freedman, John Silard, David Isbell, Rev. E. Franklin Jackson, Oliver Palmer, Thurman Arnold, David Carliner, Arnold Sternberg, Robert E. McLaughlin, F. Joseph Donohue, Carl L. Shipley, W. John Kenney, Sterling Tucker, Mrs. Todd Duncan, The Very Rev. Francis B. Sayre, Jr., Duncan Howlett, Gerhard P. Van Arkel, Marvin Kaplan.

WASHINGTON.

Mr. MORSE. The legal basis for the promulgation of a regulation prohibiting discrimination with respect to housing accommodations within the District of Columbia is section 1–226 of the District of Columbia Code—1961. This statute authorizes the Commissioners of the District of Columbia "to make and enforce all such reasonable and usual police regulations as they may deem necessary for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia."

A recent opinion of the U.S. Supreme Court strongly supports this conclusion. In *District of Columbia* v. *John R. Thompson Co.*, 346 U.S. 100 (1953), the Supreme Court upheld the validity of laws prohibiting discrimination in restaurants in the District of Columbia; and specifically rejected the conclusion of the Court of Appeals that Congress cannot delegate to the District of Columbia power to enact civil rights legislation. While these particular laws had been enacted in 1872 and 1873 by the Legislative Assembly of the District of Columbia, the Court found it necessary in deciding the case to rule that "these antidiscrimination laws governing restaurants in the District are police regulations" which could have been amended or repealed under the authority of section 1–226.

So far as police regulations are concerned, there is no difference between discrimination in restaurants and discrimination with respect to housing. The power to regulate both restaurants and housing has been delegated for the most part to the government of the District of Columbia, and in neither case has the Congress enacted legislation which might indicate that it has reserved to itself the power to legislate concerning discrimination. Finally, there can be no doubt that discrimination in housing has an adverse effect on the health and comfort of a large segment of the population of the District of Columbia.

There can be no doubt about the legality of the proposed housing regulation. It is supported by a distinguished Commission which includes the deans of three major law schools—Dean Erwin Griswold of the Harvard Law School, Dean Spottswood Robinson of Howard University Law School, and Dean Robert G. Storey of the Southwestern Legal Center, a former president of the American Bar Association. It is supported by eminent lawyers in the District of Columbia. And it has been reported that the Corporation Counsel's Office of the District is preparing a memorandum supporting the D.C. Commissioners' authority to issue a fair housing regulation.

In spite of the overwhelming evidence of housing discrimination, in spite of the strong community support for the issuance of an antibias housing regulation and in spite of the uncontroverted opinion of legal scholars that such an ordinance would be valid, a Subcommittee on Urgent District Problems of the District Committee of the House of Representatives has issued a resolution which "recommends and requests" that the District Commissioners issue or even consider this regulation until the full House District Committee has had an opportunity to hold hearings sometime in the future.

The Evening Star of October 3, 1962, reveals the not too subtle intent of this resolution. To quote the Evening Star:

From a practical standpoint, the directive, which presumably will come from the full committee, will be a major factor in the Commissioners' action on antidiscrimination regulations. The District government's legislative proposals must clear through the House District Committee.

To the extent that Congress has spoken on this topic, it has supported the concept of equal housing opportunity. The Civil Rights Act of 1866 provides:

All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white persons thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

In the Housing Act of 1949, Congress set for itself and the Nation the goal of "a decent home and a suitable living environment for every American family."

Thus, this resolution does not represent the intent of Congress. It is the action of a small group, intended to thwart measures which would guarantee to all citizens of the District of Columbia freedom to live where they choose.

I have no doubt that if Congress as a whole were to vote, it would endorse a fair housing regulation for the District of Columbia. I have no doubt that if the citizens of the District were to vote in a referendum, they would support a fair housing regulation.

I urge the District Commissioners to decide this issue on its merits, disregarding any threats, implied or explicits, that they will suffer retaliation if they pass the ordinance.

Mr. President, I ask unanimous consent that there be incorporated in the

RECORD at this point in my remarks a section of the report of the Civil Rights Commission entitled "Civil Rights U.S.A. Housing in Washington, D.C." The excerpt starts on page 31 and runs through page 37.

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

EXCERPT FROM REPORT "CIVIL RIGHTS, U.S.A.—HOUSING IN WASHINGTON, D.C."

FINDINGS

General

1. Both in 1959 and in 1961, this Commission found that housing is "the one commodity in the American market that is not freely available on equal terms to everyone who can afford to pay." This is true of the Washington metropolitan area in 1962.

2. To a large extent, the Washington metropolitan area is racially segregated in its housing pattern. While several factors contribute to this pattern of segregation discrimination is the principal one.

3. The District of Columbia and the separate political entities that constitute its suburbs are, in fact, but a single urban community where housing problems are closely interrelated. Similarly, the problems of housing discrimination in the District and its suburbs, while differing in scope and intensity, are metropolitan in character and can be met fully only on a metropolitan basis.

4. Housing discrimination in the Washington metropolitan area is generally based solely on race or color. In addition there are some areas within the District of Columbia and surrounding communities where discrimination is directed against individuals on the basis of religion and national origin.

The District of Columbia

5. The percentage of Negroes in the population of the District of Columbia has increased greatly during the past two decades. Negroes now constitute a majority of the District's population.

6. An overall expansion of housing opportunities for Negroes has occurred in the District of Columbia but expansion has been accompanied by continuing segregation. The market in sales housing, particularly, has expanded for District of Columbia Negroes principally because of the pressure of the rapidly expanding District Negro population. Adequate rental housing in the District still is largely unavailable to Negroes except in low-rent public housing, for which long waiting lists already exist, and in a few new developments not capable of meeting the demand. Free housing choice does not exist generally in the District, and nonwhites are largely confined to the least desirable housing.

7. The lack of free housing choice for Negroes in the District of Columbia, accompanied by a rapidly expanding Negro population, have been prime contributors to rapid changes from all-white to all-Negro occupancy in many District neighborhoods.

8. Several private organizations are working in the District toward the objective of neighborhood stabilization on a desegregated basis. These private groups have had some success, but their task is difficult in the absence of any effective legal restriction on discrimination. Their efforts should be encouraged as one of the most promising means of dealing with the problems.

The suburbs

9. Washington's suburbs, unlike the District of Columbia, have experienced a substantial decrease in the percentage of Negro population. A factor significantly responsible for this percentage decrease has been the lack of suburban housing available to Negroes.

10. Negroes who still reside in the suburbs are generally confined to small enclaves surrounded by the expanding white majority. The housing they occupy, though a disproportionately small percentage of all units, constitutes a near majority of the dilapidated housing.

11. In some instances the result of local governmental action, such as zoning and eminent domain, has been the forcing of Negroes out of established areas. Generally, any new housing erected is not available to Negro families.

The housing industry

12. Experience in the Washington metropolitan area substantiates the conclusion of the Commission on Race and Housing: "It is the real estate brokers, builders, and mortgage financing institutions which translate prejudice into discriminatory action."

13. Most builders of new housing developments in the Washington area—particularly in the suburbs—have excluded Negroes.

14. The Federal Housing Administration, which has been a principal factor in the expanded supply of new housing in Metropolitan Washington, has taken no action to assure that builders afford equal access to new housing regardless of race, color, religion, or national origin. Those policies designed to encourage open occupancy, which the Federal Housing Administration has instituted on a nationwide basis, have not been adequately implemented in the Washington area.

15. Restrictive covenants, although judicially unenforceable, are still used and recorded in the Washington area, and are often effective in barring members from the proscribed racial and religious groups from occupying homes of their choice and within their means.

16. In the District of Columbia, mortgage credit is generally available to Negroes, but largely only for homes in all-Negro or already "mixed" neighborhoods. In the suburbs, with few exceptions, mortgage financing for Negroes is unavailable.

17. White and Negro brokers in the Washington area belong to separate real estate brokers associations—the Board of Realtors for the former and the Real Estate Brokers Association for the latter. Although the association has some white members, the board of realtors maintains an all-white membership.

18. Many realtors refuse to deal with Negroes seeking to purchase homes in all-white neighborhoods or communities.

19. Some real estate brokers in the District use "blockbusting" techniques to induce panic-selling by white homeowners and resultant neighborhood instability.

20. Several studies of public receptivity to open occupancy housing in Washington cast doubt on the contention, made by elements of the housing industry, that the Washington metropolitan population demands segregated neighborhoods. Moreover, the few examples of desegregated housing in Washington have been successful ones.

21. There is evidence of a concerted refusal by members of the housing and home finance industry to deal with minorities seeking to live in certain neighborhoods and communities in the Washington area.

Foreign diplomats

22. Racially discriminatory practices in the District of Columbia, particularly with reference to rental housing, extend to nonwhite diplomats. The prevalence of such practices has become a matter of serious concern to the Department of State, and threatens to interfere with the effective conduct of foreign relations.

23. The problem with respect to nonwhite foreign diplomats cannot be met by securing adequate housing for them alone. It involves the treatment of all nonwhites in the Washington area—including those of American citizenship.

Local government and housing

24. The aims of urban renewal and other civic improvement programs in the District are being jeopardized by the failure to secure decent, safe, and sanitary housing for the displacees who are predominantly nonwhite.

25. In the one Washington suburban community where urban renewal is in operation, it is having the effect of forcing Negroes out.

26. While public housing in the District, limited by the scarcity of available land, is faced with a fast-increasing waiting list of families, there is considerable vacant land in Washington's suburbs that could be used for public and other low-income housing of eligible families both from the District and from the suburbs.

RECOMMENDATIONS

Preface

It is a basic finding of this Commission that the problem of housing discrimination in Washington is metropolitan in scope. The response to this problem must also be of a metropolitan character. In its 1961 report this Commission recommended the issuance of a Presidential Executive order on equal housing opportunity, relating to governmental involvement in housing and home finance. Such an order on a nationwide basis is needed now as it was then. With respect to the Washington area its issuance is fundamental to a metropolitan solution. The Commission reaffirms its 1961 recommendation as an important adjunct to the recommendations that follow.

Recommendation 1: That the Board of Commissioners of the District of Columbia issue and effectively implement an appropriate regulation prohibiting discrimination on the basis of race, color, religion, or national origin in the sale, rental, or financing of housing accommodations within the District of Columbia.

The Commission states this recommendation in general terms because it regards the precise scope or coverage of the regulation to be a matter appropriately left to the judgment of the Board of Commissioners. Whether, for example, religious or denominational institutions, charitable or educational organizations which are controlled or supervised by a religious organization, bona fide private or fraternal organizations, or single-family dwellings, should be covered or exempted are questions which the Board of Commissioners would undoubtedly consider in drafting regulations.

Concurring statement to recommendation 1 by Commissioner Rankin in which Vice Chairman Storey joins.—I voted for this recommendation on the record of our hearing and investigation which show that a number of builders, real estate brokers and lending institutions have placed racial restrictions on where people may live. Such practices limit the freedom of choice of U.S. citizens.

As the recommendation indicates, effective elimination of these practices is a matter which should be handled by State and local boards. However, it is my hope that the District of Columbia Board of Commissioners, should it elect to follow the recommendation, will not make it applicable to sales and rentals by individual owners of the homes they occupy. To do so would be to trespass on individual property rights. There are many and varied personal reasons, tangible and intangible, which may lead a homeowner to choose to sell or not to sell his house to a particular applicant. The competence of any administrative agency to determine the legitimacy of these motives is subject to considerable doubt. In my view, equal opportunity can be expanded and prejudice

combated by regulation which does not tread on this dangerous ground.

Recommendation 2: That the Board of Commissioners of the District of Columbia require:

(a) The suspension or revocation of any license to act as a real estate broker or salesmen issued under the provisions of the District of Columbia Code, sections 45–1401 to 45–1418 (1961);[1] and

(b) The suspension or revocation of any license to provide housing accommodations issued under the provision of the District of Columbia Code, section 47–2328 (1961);

for participating or engaging in any act prohibited by such regulation as may be promulgated in accordance with recommendation 1.[2]

Recommendation 3: That the Board of Commissioners of the District of Columbia issue a regulation declaring racial and religious restrictions contained in instruments affecting the title to real property to be void and of no effect.

Recommendation 4: That the National Capital Regional Planning Council, to meet its planning responsibilities, establish a standing committee on minority housing problems to assure that the rights of members of minority groups are protected in regional plans and to work for equal access to housing for all.

Recommendation 5: That the Congress of the United States authorize the establishment of a central relocation service for the District of Columbia to serve all persons forced out of their dwellings because of highway or school construction, urban renewal, or any other governmental action. This service should include aiding displacees to find decent, safe and sanitary housing, and providing for financial aid to displaced families in order to facilitate their movement to new homes.

Recommendation 6: That the President request the Department of Justice to undertake an investigation to determine whether any acts of members of the housing and home finance industry in the Washington Metropolitan area constitute a violation of the antitrust laws of the United States; and if so, that the Department institute appropriate proceedings against such members.

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point in my remarks a memorandum from the office of General Counsel, dealing with proposed recommendations with respect to the 1962 District of Columbia housing hearings.

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

SEPTEMBER 20, 1962.

To: Berl I. Bernhard, Staff Director.
From: Office of the General Counsel.
Subject: Proposed recommendations, 1962 District of Columbia housing hearings.

An opinion of counsel has been requested with respect to the legal soundness of the recommendations made by the U.S. Commission on Civil Rights on the basis of its 1962 hearings on housing in Washington, D.C.

It is the opinion of counsel that each recomendation is legally sound in that it is directed to an agency which is or should be concerned with the subject matter of the recommendation, and which has the legal authority to initiate and execute the recommended undertaking. This opinion is based on the following analysis.

I

"Recommendation 1: That the Board of Commissioners of the District of Columbia issue and effectively implement an appropriate regulation prohibiting discrimination on the basis of race, color, religion, or national origin in the sale, rental, or financing of housing accommodations within the District of Columbia. The Commission states this recommendation in general terms because it regards the precise scope or coverage of the regulation to be a matter appropriately left to the judgment of the Board of Commissioners. Whether, for example, religious or denominational institutions, charitable or educational organizations which are controlled or supervised by a religious organization, bona fide private or fraternal organizations, or single-family dwellings, should be covered or exempted are questions which the Board of Commissioners would undoubtedly consider in drafting regulations."

The Constitution grants to Congress plenary authority to legislate from the District of Columbia, and this authority includes all the legislative powers which a State may exercise over its affairs. U.S. Const. art. I, sec. 8, cl. 17; *Berman* v. *Parker*, 348 U.S. 26, 31–2 (1954). In *District of Columbia* v. *John R. Thompson Co.*, 346 U.S. 100 (1953), the U.S. Supreme Court decided (a) that a law prohibiting racial discrimination in restaurants is within the police power of Congress over the District of Columbia, (b) that Congress can delegate to the District of Columbia, a municipal corporation, legislative powers as broad as the police power of Congress over it, and (c) that therefore Congress can delegate to the District of Columbia power to prohibit racial discrimination in restaurants. In the light of this decision and the fact that as of December 1961, 18 States, the Virgin Islands, and numerous cities have enacted fair housing laws,[1] several of which have been sustained in judicial decisions,[2] it seems clear that Congress could enact, or delegate to the District of Columbia authority to enact, a fair housing law.

In considering, therefore, whether the Commissioners of the District of Columbia have the power to prohibit racial discrimination with respect to housing, the only question which remains is whether in fact Congress has delegated that power to them. A delegation of authority to the District Commissioners to prohibit discrimination in housing may be found in section 1–226 of the District of Columbia Code (1961):

"The Commissioners of the District of Columbia are hereby authorized and empowered to make and enforce all such reasonable and usual police regulations in addition to those already made under sections 1–224, 1–225, as they may deem necessary for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia."

In Thompson the Supreme Court concluded that laws requiring equal service to those who eat in restaurants are "reasonable and usual police regulations" within the meaning of section 1–226 because they are "as local in character as laws regulating public health, schools, streets, and parks" (346 U.S. at 113), and because from the beginning Congress has delegated to the District of Columbia government power to regulate public eating and drinking establishments. This reasoning applies equally to laws prohibiting racial discrimination in housing.

The regulation of housing is certainly a matter which is as local in character as are any of those mentioned by the Supreme Court in Thompson. Congress, furthermore, has delegated to the District Commissioners the power to regulate housing to substantially the same extent that it has delegated to them the power to regulate restaurants. Among the powers relating to housing which have been delegated to the District Commissioners are the following: to require licenses for the operation of those buildings containing lodging quarters which in the judgment of the Commissioners require "inspection, supervision, or regulation by any municipal agency" (D.C. Code sec. 47–2328 (1961)), and to revoke any such license "when, in their judgment, such is deemed desirable in the interest of public decency or the protection of lives, limbs, health, comfort, and quiet of the citizens of the District of Columbia, or for any other reason they may deem sufficient" (D.C. Code sec. 47–2345(a) (1961)); to make and enforce such building regulations "as they may deem advisable" (D.C. Code sec. 1–228 (1961)); to make regulations governing plumbing, house drainage,

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[1] Consideration might be given to prohibiting the following acts (subject, of course, to the limitations in coverage of such a regulation as may be promulgated in accordance with recommendation 1: (a) acceptance of any listings of housing accommodations for sale or rent with restrictions based upon race, color, religion, or national origin, (b) quotation of different prices for the same housing accommodations where the difference is based upon race, color, religion, or national origin, (c) refusal to show or offer any housing accommodations to any prospective purchaser or renter because of his race, color, religion, or national origin, or (d) solicitation of listings on any housing accommodations using as inducement for such listings any statement or representation concerning race, color, religion, or national origin.

[2] Enforcement of the proposed regulation might well be left to a multimember panel having the following authority: To initiate, receive, and investigate complaints; to attempt to eliminate violations by means of mediation and conciliation; to hold public hearings; and, upon a finding that a violation has occurred, to revoke the licenses referred to in the recommendation and to seek appropriate judicial remedies.

[1] See U.S. Housing and Home Finance Agency, "State Statutes, and Local Ordinances and Resolutions Prohibiting Discrimination in Housing and Urban Renewal Operations (1961)."

[2] The following decisions have held fair housing laws to be valid: *Burks* v. *Poppy Construction Co.*, 20 Cal. Rptr 609, 370 P. 2d 313 (1962); *Massachusetts Comm'n Against Discrimination* v. *Colangelo*, 182 N.E. 2d 595 (Mass. 1962); *Jones* v. *Haridor Realty Corp.*, 37 N.J. 384, 181 A. 2d 481 (1962); *Levitt & Sons, Inc.* v. *Division Against Discrimination*, 31 N.J. 514, 158 A. 2d 177 (1960), appeal dismissed 363 U.S. 418 (1960); *Martin* v. *City of New York*, 22 Misc. 2d 389, 201 N.Y. S. 2d 111 (Sup. Ct. 1960); and *New York State Comm'n* v. *Pelham Hall Apts.*, 10 Misc. 2d 334, 170 N.Y.S. 2d 750 (Sup Ct. 1958). In *Swanson* v. *Commission on Civil Rights*, No. 94802, Super. Ct. of New Haven County, Conn., July 11, 1961, 6 Race Rel. L. Rep. 841 (1961), the court stated that the fair housing law was clearly valid but held that it had not been violated. In *O'Meara* v. *Washington State Board Against Discrimination*, 58 Wash. 2d 793, 365 P. 2d 1 (1961, cert. den. 369 U.S. 839 (1962), the court held in a 5–4 decision that the Washington fair housing law was unconstitutionally discriminatory because it applied only to publicly assisted housing. In *Case* v. *Colorado Anti-Discrimination Comm'n*, Civil No. 39682, Dist. Ct. of El Paso County, Colo., June 2, 1961, 6 Race Rel. L. Rep. 835 (1961), the enforcement section of the Colorado Fair Housing Act was held unconstitutional on the grounds that it was too indefinite and uncertain and that it provided for an unlawful delegation of legislative authority to an administrative agency.

house sewers, and the use of electricity for light, heat and power purposes (D.C. Code secs. 1–725 and 1–719 (1961)); to determine the location, number, type and character of fire escapes and other safety devices to be installed in buildings containing lodging quarters (D.C. Code secs. 5–301 and 5–303 (1961)); and to supervise the licensing and regulation of real estate salesmen and brokers (D.C. Code sec. 45–1403 (1961). Congress also has delegated the power to make zoning regulations for the District of Columbia to a five-member zoning commission, three members of which are the Commissioners of the District of Columbia. D.C. Code sec. 5–412 (1961).

In addition to strong implication in Thompson that section 1–226 empowers the Commissioners of the District of Columbia to enact a fair housing regulation, there are other factors which justify the same conclusion. That a fair housing regulation would be a "reasonable and usual" police regulation is amply attested to by the many fair housing statutes and ordinances which have been enacted elsewhere. See note 1, supra. It cannot be said that discrimination in housing, while in other respects a proper object of police regulation, is a matter which Congress has reserved to itself.[3] Congress has never acted with respect to housing discrimination within the District of Columbia[4] and in the case of other housing matters it has delegated to the municipal government extensive and pervasive powers of regulation.

A District of Columbia fair housing regulation, far from conflicting with congressional legislation or policy, would implement and further long-standing congressional policy. For almost 100 years Congress has required that "all citizens of the United States shall have the same right * * * as is enjoyed by the white citizens * * * to inherit, purchase, lease, sell, hold, and convey real and personal property" (Rev. Stat. sec. 1978 (1875), 42 U.S.C. sec. 1982 (1958), derived from sec. 1 of the Civil Rights Act of 1866, 14 Stat. 27). This statute has been enforced in the District of Columbia. *Hurd* v. *Hodge*, 334 U.S. 24 (1948). As a further declaration of policy, also applicable in the District of Columbia, Congress declared in the Housing Act of 1949 that "the general welfare and security of the Nation and the health and living standards of its people require * * * the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family" (63 Stat. 413, 42 U.S.C. 1441 (1958)). It can safely be said that the policy expressed in these enactments cannot be fulfilled completely without a fair housing law.

To summarize, on the basis of the Thompson decision and in the light of similar laws enacted by States and municipalities, a District of Columbia fair housing law would be a reasonable and usual police regulation and thus one which section 1–226 of the District of Columbia Code empowers the Commissioners of the District of Columbia to promulgate. Furthermore, such a housing regulation would be consistent with the high degree of control over housing which Congress has delegated to the municipal government and it would implement congressional declarations of policy.

II

"Recommendation 2: That the Board of Commissioners of the District of Columbia require (a) the suspension or revocation of any license to act as a real estate broker or salesman issued under provisions of the District of Columbia Code, sections 45–1401 to 45–1418 (1961);[5] and (b) the suspension or revocation of any license to provide housing accommodations issued under the provisions of the District of Columbia Code, section 47–2328 (1961); for participating or engaging in any act prohibited by such regulation as may be promulgated in accordance with recommendation 1."[6]

This recommendation, which deals with enforcement of such a regulation as may be promulgated in accordance with recommendation 1, involves two issues: The power of the Board of Commissioners to suspend or revoke certain licenses for violation of such a regulation, and the administrative means through which the regulation may be enforced.

A. Licenses issued under the Real Estate Commission Act of 1937: The Real Estate Commission Act of 1937, as amended (D.C. Code secs. 45–1401 to 45–1418 (1961)), prohibits any person from acting as a real estate broker or salesman without a license (sec. 45–1401) and it created a Real Estate Commission (sec. 45–1403) with authority to grant, revoke, or suspend these licenses (secs. 45–1404, 45–1408). Section 1 of the President's Reorganization Plan No. 5 of 1952 for the District of Columbia transferred to the Board of Commissioners all the functions of the Real Estate Commission (66 Stat. 824, D.C. Code title 1 App. 81 (1961)). Thereafter the Board of Commissioners recreated the Real Estate Commission as a constituent agency of the Department of Occupations and Professions. D.C. Code title 1 App., Reorg. Order No. 59, part I (1961). As a result the District Commissioners possess all the powers originally granted to the Real Estate Commission, and the latter exists simply as an agency created by the District Commissioners to exercise these powers for them.

Under the Real Estate Commission Act of 1937 the District Commissioners now possess the following powers:

(a) To make and enforce "whatever reasonable regulations may be necessary to carry out the provisions" of the Real Estate Commission Act (D.C. Code sec. 45–1403 (1961));

(b) To deny a license to one who is not "trustworthy and competent to transact the business of a real estate broker or real estate salesman * * * in such a manner as to safeguard the interests of the public" (D.C. Code sec. 45–1404 (1961)); and

(c) To suspend or revoke the license of a licensee who has "demonstrated such unworthiness or incompetency * * * as to endanger the interests of the public." (D.C. Code sec. 45–1408 (1961).)

There can be little doubt that a violation by a licensee of a fair housing regulation promulgated by the District Commissioners would not be in "the interests of the public," and that the District Commissioners have authority to direct the Real Estate Commission to deny, suspend, or revoke a license for such a violation.

B. Licenses issued under section 47–2328 of the D.C. Code (1961): The License Act of 1902, as amended (D.C. Code secs. 47–2301 to 47–2350 (1961)), authorizes the District Commissioners to require a license for the housing business operated in any building which "in their judgment requires inspection, supervision or regulation by any municipal agency."[7] The Commissioners are also authorized to make regulations in furtherance of the License Act and to suspend or revoke a license "for any * * * reason they may deem sufficient" (D.C. Code sec. 47–2345(a) (1961)), including the "failure of the licensee to comply with the laws or regulations applicable to the licensed business" (D.C. Code sec. 47–2345(b) (1961)).

Under the authority granted them by the License Act the District Commissioners have adopted general licensing regulations applicable to all housing businesses covered by the act, and special licensing regulations relating to rooming and boarding houses, tenements, apartment houses, hotels, and convalescent nursing homes (D.C. Housing Regulations, chs. 3–8 (1956)).

The Commissioners have also delegated their authority to administer the License Act and the regulations promulgated under it to the Department of Licenses and Inspections (D.C. Code, title 1 App., Reorganization Order No. 55, pt. II (1961)).

Thus the District Commissioners have authority to revoke a license to operate a housing business for violation of a fair housing regulation, or to direct the Department of Licenses and Inspections to do so.

C. Enforcement of the proposed regulation: Under the present organization of the government of the District of Columbia the following agencies would administer and enforce the fair housing code outlined in recommendations 1 and 2: the Corporation Counsel would be responsible for bringing all criminal and civil actions to enforce the regulation (D.C. Code, secs. 1–301 and 23–101, and title 1 App., Reorganization Order No. 50, pt. I(a) (1961)); the Real Estate Commission would have authority to deny, suspend, or revoke the license of a real estate broker or salesman for violation of the regulation (see sec. II(A) supra); and the Department of Licenses and Inspections would have authority to deny, suspend, or revoke a license to operate a housing business for violation of the regulation. See section II (B) supra.

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[3] This contention has been made with occasional success in relation to other regulations promulgated by the District of Columbia Commissioners. *Coughlin* v. *District of Columbia*, 25 App. D.C. 251 (App. D.C. 1905); *Coombe* v. *United States*, 3 F. 2d 714 (D.C. Cir. 1925) (dictum).

[4] Rev. Stat. sec. 1978 (1875), 42 U.S.C. sec. 1982 (1958), derived from sec. 1 of the Civil Rights Act of 1866, 14 Stat. 27, provides for equal rights with respect to the ownership and transfer of property and has been held to prohibit judicial enforcement of racial restrictive covenants within the District of Columbia. *Hurd* v. *Hodge*, 334 U.S. 24 (1948). This portion of a national enactment, however, surely cannot be said to indicate a congressional intent to save for itself the matter of housing discrimination in the District of Columbia.

[5] Consideration might be given to prohibiting the following acts (subject, of course, to the limitations in coverage of such a regulation as may be promulgated in accordance with recommendation 1): (a) Acceptance of any listings of housing accommodations for sale or rent with restrictions based upon race, color, religion, or national origin, (b) quotation of different prices for the same housing accommodations where the difference is based upon race, color, religion, or national origin, (c) refusal to show or offer any housing accommodations to any prospective purchaser or renter because of his race, color, religion, or national origin, or (d) solicitation of listings on any housing accommodations using as inducement for such listings any statement or representation concerning race, color, religion, or national origin.

[6] Enforcement of the proposed regulation might well be left to a multimember panel having the following authority: To initiate, receive, and investigate complaints; to attempt to eliminate violations by means of mediation and conciliation; to hold public hearings; and, upon finding that a violation has occurred, to revoke the licenses referred to in the recommendation and to seek appropriate judicial remedies.

[7] D.C. Code sec. 47–2328 (1961). Excepted from these licensing provisions are single- and two-family dwellings, and rooming houses offering accommodations for no more than four roomers.

In recommendation 2 the Civil Rights Commission has suggested that enforcement of a fair housing regulation might well be left to a multimember panel having authority to initiate, receive, and investigate complaints, to attempt to eliminate violations by means of mediation and conciliation, to hold public hearings, and, upon finding that a violation has occurred, to take appropriate administrative action and seek appropriate judicial remedies.

The Board of Commissioners is authorized to create such a multimember panel by section 4(a) of the President's Reorganization Plan No. 5 of 1952:

"There are hereby established in the government of the District of Columbia so many agencies and offices, and with such names or titles, as the Board of Commissioners shall from time to time determine. The said offices shall be filled by appointment by, or under the authority of, the Board of Commissioners" (66 Stat. 824, D.C. Code tit. 1 App. 81 (1961)).

In the "investigation or examination of any municipal matter" the District Commissioners have the power to subpena witnesses and documents and to administer oaths to witnesses summoned (D.C. Code sec. 1–237 (1961)). They can delegate these functions, as well as those created by the Real Estate Commission Act of 1937 and the License Act of 1902, to any "officer, employee, or agency of the government of the District of Columbia."[8] Thus there is no doubt that the District Commissioners have the power to create a multimember panel with the administrative powers suggested in recommendation 2.

Finally, through their power to direct the Corporation Counsel the District Commissioners have equally clear authority to require him to seek such judicial remedies as a fair housing panel might recommend on the basis of its investigations and findings (D.C. Code sec. 1–301 (1961); President's Reorganization Plan No. 5 of 1952, sec. 1, 66 Stat. 824, D.C. Code title 1, app. 81 (1961)). One form of judicial remedy which the Corporation Counsel might seek is imposition of the fine or imprisonment penalty which the Commissioners are authorized to prescribe by section 1–224a of the District of Columbia Code (1961).

Another remedy which the Corporation Counsel might seek is an injunction against threatened or continued violations of the fair housing regulation. See, generally, 6 McQuillin, "Municipal Corporations" sec. 20.33 (3d ed. 1949); 17 id. sec. 49.58 (3d ed. 1950); Note: "Injunctive Relief Under State Civil Rights Acts," 24 U. Chi. L. Rev. 174 (1956). While no statute explicitly authorizes the use of injunctions to enforce police regulations promulgated under section 1–226, that section itself authorizes and empowers the District Commissioners to make and enforce police regulations. It has been held that a power to enforce a statute or ordinance includes a power to enjoin a violation of it even though other remedies have been provided. *City of Stockton* v. *Frisbie & Latta*, 93 Cal. App. 277, 270 Pac. 270 (Dist. Ct. App. 1928) (violation of zoning ordinance); *Kentucky State Bd. of Dental Examiners* v. *Payne*, 213 Ky. 382, 281 S.W. 188 (1926) (practice of dentistry without license). In view of this express grant of power to the District Commissioners, it is clear that the ruling of the court in *Tynes* v. *Gogos*, 144 A. 2d 412 (D.C. Mun. App. 1958), is not applicable to the present issue. If the District of Columbia has authority to enforce its police regulations by means of injunction, it can do so without having to establish the customary requisites for equitable relief such as irreparable injury or inadequacy of the remedy at law. See 57 Yale L.J. 1023, 1026–34 (1948).

Even if the District of Columbia does not have this express authority there is a substantial body of authority which supports the proposition that a public body can enjoin the violation of a regulatory measure such as the recommended fair housing regulation, even though the legislature has made express provision for other means of enforcement. The justification for this result is not the prevention of a crime, but the prevention of conduct which would endanger the public welfare or constitute a public nuisance and for which there is no adequate legal remedy.

In *City of Aurora* v. *Warner Bros. Pictures Distrib. Corp.*, 16 Ill. App. 2d 273, 147 N.E. 2d 694 (1958), the court upheld the issuance of a temporary injunction prohibiting the exhibition of a moving picture which allegedly violated a municipal obscenity ordinance containing only criminal sanctions. The court said that courts of equity "have power to enjoin criminal or immoral acts even though the offenders are amenable to prosecution and no property rights are involved, in order to protect citizens from public wrongs and to protect the public health and welfare," 147 N.E. 2d at 699. Under similar circumstances courts have upheld injunctions against the violation of local zoning ordinances (e.g., *Boise City* v. *Better Homes, Inc.*, 72 Idaho 441, 243 P. 2d 303 (1952); *City of St Louis* v. *Friedman*, 358 Mo. 655, 216 S.W. 2d 475 (1948)), against the unlawful practice of a profession (e.g., *Jones* v. *Commonwealth*, 308 Ky. 233, 213 S.W. 2d 983 (1948)); *Gardner* v. *Conway*, 243 Minn. 148, 48 N.W. 2d 788 (1951)), against the sale of drugs without a license (*State* v. *Red Owl Stores, Inc.*, 253 Minn. 236, 92 N.W. 2d 103 (1958)), against the conduct of a usurious business (*State* v. *Hooker*, 87 N.W. 2d 337 (N.D. 1957)), and against the unlawful dredging of oysters (*Clark* v. *Todd*, 192 Md. 487, 64 A. 2d 547 (1949)). On similar grounds it has been held that an individual aggrieved by the violation of a civil rights statute is entitled to an injunction against future violations of the statute even though only penal or pecuniary sanctions have been provided. *Everett* v. *Harron*, 380 Pa. 123, 110 A. 2d 383 (1955); *Orloff* v. *Los Angeles Turf Club*, 30 Cal. 2d 110, 180 P. 2d 321 (1947). Contra, *Fletcher* v. *Coney Island, Inc.*, 165 Ohio St. 150, 134 N.E. 2d 371 (1956).

Although the municipal court lacks general equity powers, *Paton* v. *District of Columbia*, 180 A. 2d 844 (D.C. Mun. App. 1962), it nonetheless possesses sufficient equitable jurisdiction to dispense equitable remedies incidental to those matters within its subject matter jurisdiction. It would therefore follow that having exclusive subject matter jurisdiction to remedy violations of a fair housing regulation, it may enjoin violations where the grant of such incidental injunctions would result in dispensation of a complete remedy. See *Sheherazade, Inc.* v. *Mardikian*, 143 A. 2d 512 (D.C. Mun. App. 1958). If however equitable relief could not be granted by the municipal court, resort could be had to the district court, District of Columbia Code, sec. 11–306 (1961); cf. *Rowe* v. *Nolan Finance Co.*, 142 F. 2d 93 (D.C. Cir. 1944).

III

"Recommendation 3: That the Board of Commissioners of the District of Columbia issue a regulation declaring racial and religious restrictions contained in instruments affecting the title to real property to be void and of no effect."

The Board of Commissioners can declare racial and religious restrictive covenants to be void by virtue of section 1–226 of the District of Columbia Code (1961), which empowers the Commissioners "to make and enforce all such reasonable and usual police regulations * * * as they may deem necessary for the protection of lives, limbs, health, comfort, and quiet of all persons and the protection of all property within the District of Columbia."

In the discussion of recommendation 1 it was pointed out that Congress can delegate to the government of the District of Columbia legislative powers as broad as the police power of Congress over the District of Columbia, that section 1–226 represents a delegation of authority to enact police regulations, and that the regulation of housing is a matter which Congress for the most part has left to the District Commissioners. That discussion need not be repeated. The following remarks build on it and indicate why a regulation declaring restrictive covenants to be void would also be a reasonable and usual police regulation for the protection of persons and property.

In *Hurd* v. *Hodge*, 334 U.S. 24 (1948), the U.S. Supreme Court held that the enforcement by District of Columbia courts of restrictive covenants is prohibited by a statute derived from the Civil Rights Act of 1866 (Rev. Stat., sec. 1978 (1875), 42 U.S.C., sec. 1982 (1958)) and by the public policy of the United States. In spite of the substantial impact of this decision on local conveyancing practices it left unresolved or unaffected several matters which have a significant effect on persons and property within the District of Columbia.

Hurd v. *Hodge*, for example, did not invalidate restrictive covenants as such or prevent voluntary enforcement of them. The continued use of these covenants by local builders and testimony before the U.S. Civil Rights Commission attest to the continuing efficacy of restrictive covenants in causing discrimination.[9] In addition to the coercive effect these covenants have on those who sign them and the discriminatory effect they have on members of groups named in them, restrictive covenants affect property values by casting a cloud on titles to properties which are subject to them. Thus the Municipal Court of Appeals has twice held that because of the possibility of future litigation a Negro purchaser was justified in refusing to perform a contract for the purchase of land subject to a restrictive covenant. *Savage* v. *Parks*, 100 A. 2d 450 (D.C. Munic. Ct. App. 1953); *Ralph D. Cohn, Inc.* v. *Trawick*, 60 A. 2d 926 (D.C. Munic. Ct. App. 1948). In other jurisdictions property owners have been forced to engage in expensive litigation to determine what devices fall within the rule of *Shelley* v. *Kraemer*, 334 U.S. 1 (1948), that State courts cannot enforce racial restrictive covenants.[10] A well-drafted regulation could remove this uncertainty.

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[8] President's Reorganization Plan No. 5 of 1952, sec. 3(a), 66 Stat. 824, D.C. Code tit. 1 App. 81 (1961). Section 3(b)(1) of this reorganization plan prohibits the delegation of "any function vested in the said Board by act of Congress with respect to making and adopting regulations except those pertaining to the administration of or procedure before any agency of the Government of the District of Columbia."

[9] Hearings in Washington, D.C., before the U.S. Commission on Civil Rights, Housing 59, 62–63, 68, 76–77, 84, 199, 454–455 (1962) (hereinafter cited D.C. Housing Hearings). In *Rice* v. *Sioux City Memorial Park Cemetery, Inc.*, 245 Iowa 147, 60 N.W. 2d 110 (1953), aff'd per curiam, 348 U.S. 880 (1954), vacated and cert. denied as improvidently granted, 349 U.S. 70 (1955), it was held that a cemetery was not liable in damages for refusing to inter a non-Caucasian under a contract containing a racial restriction.

[10] *Charlotte Park & Recreation Comm'n* v. *Barringer*, 242 N.C. 311, 88 S.E. 2d 114 (1955), cert. denied, 350 U.S. 983 (1956) (automatic termination of determinable fee not the result of judicial enforcement and thus not State action); *Capital Federal Savings & Loan Ass'n* v. *Smith*, 136 Colo. 265, 316 P. 2d 252 (1957) (racial restriction providing for forfeiture for breach held unenforceable and removed as cloud on title); *Robinson* v. *Mansfield*, No. 50232, Super. Ct. County of Pima, Ariz. (1956), 2 Race Rel. L. Rep. 445 (1957) (same).

A District of Columbia regulation such as that proposed by Recommendation 3 would not be novel legislation and it would contribute to eliminating the human and economic cost of restrictive covenants (see Cal. Civil Code secs. 53, 782; Minn. Stat. Ann. sec. 507.18 (Supp. 1961); N.Y. Sess. Laws 1962, ch. 646; V.I. Code Ann, title 10, sec. 3(f) (Supp. 1962)).

IV

"Recommendation 4: That the National Capital Regional Planning Council, to meet its planning responsibilities, establish a standing committee on minority housing problems to assure that the rights of members of minority groups are protected in regional plans and to work for equal access to housing for all."

The National Capital Regional Planning Council is composed of representatives of the planning agencies of the Washington metropolitan area, and it was established by Congress to adopt "a general plan for the development of the region, to serve as a general framework or guide of development within which each part of the region may be more precisely planned by the appropriate planning agency or agencies" (D.C. Code sec. 1-1003(d) (1961)).

It is clear that there is no legal impediment to the Council's taking the recommended action, and it is equally clear that land-use planning has an inevitable impact on the quality and quantity of housing available to minority groups (D.C. housing hearings 47, 84-5, 109, 466; 4 1961 "Report of the U.S. Commission on Civil Rights: Housing" 88 (1961)).

V

"Recommendation 5: That the Congress of the United States authorize the establishment of a central relocation service for the District of Columbia to serve all persons forced out of their dwellings because of highway or school construction, urban renewal, or any other Governmental action. This service should include aiding displacees to find decent, safe and sanitary housing, and providing for financial aid to displaced families in order to facilitate their movement to new homes."

This recommended action is clearly within the constitutional power of Congress to legislate for the District of Columbia (U.S. Const. art. I, sec. 8, cl. 17).

VI

"Recommendation 6: That the President request the Department of Justice to undertake an investigation to determine whether any acts of members of the housing and home finance industry in the Washington metropolitan area constitute a violation of the antitrust laws of the United States; and if so, that the Department institute appropriate proceedings against such members."

This recommendation reflects a determination that on the basis of the testimony and evidence presented to it, the Commission has probable cause to believe that members of the housing and home finance industry in the Washington metropolitan area are violating the antitrust laws of the United States. The following evidence and authorities support this conclusion.

Section 3 of the Sherman Antitrust Act makes illegal "every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in * * * the District of Columbia" (26 Stat. 209 (1890), as amended, 15 U.S.C. sec. 3 (1958)). (See generally Marcus, "Civil Rights and the Antitrust Laws," 18 U. Chi. L. Rev. 171, 208-14 (1951).) One practice that may constitute a violation of this act is the use by the W. C. & A. N. Miller Development Co. of tying arrangements in the sale of homes on tracts which it has developed. Evidence presented to the Commission indicates that this company assembles and develops large tracts of land for home sites, and that in its conveyances of new homes in these tracts it requires the inclusion of the following covenants:

"Fourth. No lot of the property hereby conveyed shall be occupied, leased, rented, conveyed, or otherwise alienated, except conveyances by deeds of trust, nor shall the title or possession thereof pass to another without the written consent of the W. C. & A. N. Miller Development Co.

"Fourteenth. That, in order to facilitate operation of the covenant numbered 'Fourth,' above, the grantee covenants for ——— heirs and assigns, that in the event, at any time he or they shall desire to lease, rent, or sell to another the said property hereby conveyed to ———, he or they will appoint the said W. C. & A. N. Miller Development Co., agent for such purpose" (D.C. housing hearings 62; see also id. 203, 204, 477).

Thus one who purchases a Miller home is required to agree to purchase Miller brokerage services when he sells this home, and this requirement is imposed by a company which has exclusive control over the supply of homes in a particular development and significant control in a much larger area over the supply of new homes in particular price ranges. Since the real estate brokerage business is "trade" within the meaning of section 3 of the Sherman Act (*United States* v. *National Ass'n of Real Estate Bds*, 339 U.S. 485 (1950)), this practice may constitute an illegal restraint of trade (*Northern Pac. Ry.* v. *United States*, 356 U.S. 1 (1958)).

Second, there was testimony that the Washington Real Estate Board and its members act in concert to prevent Negroes from moving into all-white neighborhoods. It was alleged that the board and its members consider this action to be required under the local reading given to article 5 of the Code of Ethics of the National Association of Real Estate Boards:

"The Realtor shall not be instrumental in introducing into a neighborhood a character of property or use which will clearly be detrimental to property values in that neighborhood" (D.C. housing hearings 111; id. at 191-92, 215).

To the extent that members of the Washington Real Estate Board are prevented from participating in sales to Negroes of homes in certain neighborhoods there is a clear restraint on realtors willing to participate in these sales, on the supply of housing available to Negroes, and on the demand for homes in the affected neighborhoods. See comment, "Application of the Sherman Act to Housing Segregation," 63 Yale L.J. 1124, 1140-43 (1954).

Third, there was evidence of an agreement on the part of the members of the Mortgage Bankers Association of Metropolitan Washington not to lend money for the purchase of homes by members of minority groups in white neighborhoods. In the words of Mr. John C. Holzberg, who, as president of the association, submitted a statement in its behalf:

"Applications from minority groups are not generally considered in areas that are not recognized as being racially mixed, on the premise that such an investment would not be stable and attractive to institutional lenders. In addition to this, we, as businessmen in the community, will not be a party to any action which may create unrest in a neighborhood" (D.C. housing hearings 467).

This practice may violate the antitrust laws. See comment, "Application of the Sherman Act to Housing," supra at 1125-37.

Finally, it was alleged that the separate elements of the Washington housing industry—developers and builders as exemplified by the Miller Co., brokers belonging to the Washington Real Estate Board, lenders who adhere to the policy of the Mortgage Bankers Association, and title insurance companies—cooperate consciously in their effort to exclude Negroes from certain residential areas (D.C. housing hearings 59-60, 64-6, 195, 204-5). Indeed, the uniformity of this policy of discrimination alone would justify an investigation to determine whether it is the fruit of a conscious conspiracy.

There is no doubt that from a legal point of view the evidence presented to the Commission indicates a sufficient likelihood that the antitrust laws have been violated to warrant the recommended investigation.

Respectfully submitted,

CLARENCE CLYDE FERGUSON, Jr.,
General Counsel.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial, dealing with this subject, published in the Sunday Washington Post of October 3, 1962.

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

FOR FAIR HOUSING

An arrest warrant is not a very hopeful device for widening Negroes' housing opportunities. Social legislation changes old customs most effectively when it provides for mediation, conciliation, and a variety of civil remedies. When the District's fair housing law goes into effect, it will generate a great variety of cases. There will be obvious misunderstandings. There will be actions in which the defendants turn out to be little old ladies who are frightened by lawyers. There may be a few well-heeled operators who obdurately prepare to pay fines as a cost of doing business in their accustomed fashion. The District will have unlimited opportunity to demonstrate that the best way of converting a reluctant landlord into a bitter enemy of the law is to haul him directly into a criminal court.

Fair housing statutes are now in effect in nine States, as well as in the cities of New York, Toledo, and Pittsburgh. The District, as it drafts its own law, can hardly ignore the volume of experience gained in other cities. Berl I. Bernhard, the staff director of the Commission on Civil Rights, pointed out last week that the most successful statutes provide for administrative action, with criminal prosecution reserved as a last resort in cases of the most willful and persistent violation.

The District's law ought to establish a fair housing commission with a small staff of its own. The commission would require the power to investigate complaints, to attempt persuasion and, where it fails, to issue orders. If the defendant proceeds to violate the commission's order, at that point the case is turned over to the Corporation Counsel for court action. A group of lawyers headed by Joseph L. Rauh has submitted to the District Commissioners a commendable model law.

Since it is primarily the professional real estate brokers and managers who perpetuate the pattern of racial discrimination in housing here, it is particularly important that the District's new law follow the recommendations of the Civil Rights Commission regarding their licenses. As a penalty for violation by men who can easily afford fines, the Commission suggests the revocation of their licenses to sell real estate or to provide housing accommodations.

A fair housing commission would serve the interest of all parties. Complainants could get a hearing without bearing the heavy burden of proof required for criminal conviction. Defendants would have an opportunity to answer without being plunged into expensive trials. And the city would achieve faster compliance with its policy, with less hardship to the many real estate men and landowners whose old habits must now be changed.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point an article entitled "Curb by House Seen for District of Columbia Housing Order," published in the Washington Evening Star of October 3, 1962.

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

CURB BY HOUSE SEEN FOR DISTRICT OF COLUMBIA HOUSING ORDER

(By Sam Eastman)

The District Commissioners will be told to shelve their plans for prompt adoption of racial housing bans for Washington under a congressional committee order being drafted today.

This order, it was learned, is being drawn up by a House District subcommittee headed by Representative WHITENER, Democrat, of North Carolina.

The order will direct the Commissioners to mark time on adoption of housing antidiscrimination regulations until the full House District Committee has had an opportunity to hold hearings on the controversial matter.

An unanswered question is what the Commissioners' reaction will be to the legislative directive.

WHITE HOUSE SUPPORT

From a practical standpoint, the directive, which presumably will come from the full committee, will be a major factor in the Commissioners' action on antidiscrimination regulations. The District government's legislative proposals must clear through the House District Committee.

On the other end of Pennsylvania Avenue, however, the White House is supporting moves to knock down racial housing bars in the Nation's Capital.

Before leaving on a European vacation about 6 weeks ago, Commissioner Walter N. Tobriner told the city's legal office to draft regulations designed to open the doors in all-white neighborhoods to Negro residents.

These regulations would be adopted under the Commissioner's police powers.

ANTICIPATED U.S. ACTION

The legal reasoning is that fencing in Negroes in substandard dwellings by racial discrimination hurts the entire city. In draft regulations, the supporting factors cited include crime, health, group tensions, and loss of city tax revenue.

Under the plan by Mr. Tobriner, president of the Board of Commissioners, the city would dovetail its antidiscrimination moves with anticipated Federal action in this area.

The order being drafted today by the House District subcommittee complicates what already is a complex and sensitive problem for the Commissioners.

Asked what the Commissioners would do if faced with such a congressional directive, Mr. Tobriner commented:

"I couldn't say without consulting the other Commissioners."

He said he had no knowledge of the order and was taking no action until he was informed of it officially.

DRAFT PRESENTED

Yesterday, six lawyers presented a proposed model antidiscrimination housing regulation for the District to Mr. Tobriner.

Joseph L. Rauh, Jr., who acted as spokesman for the group, said that he hoped that the Commissioners will act rather promptly on the measure.

Mr. Rauh said the draft was modeled on the 15-State and city antidiscrimination housing laws and ordinances now in effect.

The group of six lawyers met with Mr. Tobriner in closed session for about an hour.

Mr. Tobriner declined to make any comment later other than to say that he is still waiting for a corporation counsel's opinion on whether the Commissioners have the authority to issue such a housing order.

FINE OR JAIL ASKED

Under the proposed regulation submitted by the six attorneys, the present Commissioners' Council on Human Relations would be renamed the District of Columbia Commission on Human Relations and would be given power to enforce the measure.

The draft stresses administrative action, but also provides a $300 fine or 10-day jail sentence for violations.

The measure would prohibit racial and religious discrimination in the sale, rental, or financing of housing accommodations in the District.

The regulation would not apply to refusal to rent part of a single-family home or to refusal to rent a room in rooming houses where the owner resides and which have a capacity of less than 10 roomers. A church or religious institution would also be permitted to refuse to rent or lease property to a person of another faith.

The draft also makes provision for revoking the licenses of real estate brokers or salesmen who violate the measure.

The five lawyers in addition to Mr. Rauh who presented the draft regulation to Mr. Tobriner are Walter Lewis, James Heller, Monroe Freedman, John Silard, and David Isbell.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a resolution adopted by the Subcommittee on Urgent District Problems of the Committee on the District of Columbia of the House of Representatives.

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

"Whereas the Subcommittee on Urgent District Problems has had referred to it the matter of alleged plans of the Commissioners of the District of Columbia to adopt and issue regulations directly or indirectly limiting the rental, lease, or sale of private property in the District of Columbia; and

"Whereas information with reference to said proposed regulations came to the Committee on the District of Columbia entirely through nonofficial sources; and

"Whereas the said subcommittee on the 3d day of October 1962, made limited inquiry of the Commissioners of the District of Columbia with reference to said subject matter, said limitation of the inquiry being a direct result of the time limitation imposed by urgent legislative business in the Congress of the United States; and

"Whereas any authority vested in the Commissioners of the District of Columbia to promulgate such proposed regulations is the result of the exercise of the power of Congress to delegate such authority; and

"Whereas serious question exists as to whether Congress has in fact and law delegated authority to the Commissioners of the District of Columbia to the extent indicated by officials of the District of Columbia in conference with this subcommittee; and

"Whereas the proposed regulations would constitute a new departure in the field of the rental, lease, and sale of private property in the District of Columbia, as well as in most other jurisdictions in the United States; and

"Whereas the subcommittee is of the considered opinion that no emergency exists which requires or warrants the immediate adoption of such broad and novel regulations in the field of real estate laws; and

"Whereas the adjournment of Congress is imminent and precludes full review by the Committee on the District of Columbia of such proposed regulations prior to adjournment: Now, therefore, be it

"*Resolved*, That the Subcommittee on Urgent District Problems of the District of Columbia of the House of Representatives respectfully recommends and requests the Commissioners of the District of Columbia to suspend and defer any action leading to the adoption of such regulations pending full and complete hearings and consideration by the Committee on the District of Columbia in the 88th Congress; and be it further

"*Resolved*, That a copy of this resolution, which has been unanimously adopted by this subcommittee, be delivered forthwith to the Commissioners of the District of Columbia."

I, BASIL L. WHITENER, chairman of the Subcommittee on Urgent District Problems of the Committee on the District of Columbia of the House of Representatives, do hereby certify that the foregoing is a true and correct copy of a resolution proposed by the Honorable JOEL T. BROYHILL, Member of Congress, seconded by the Honorable JOHN DOWDY, Member of Congress and unanimously adopted by the subcommittee on this 3d day of October 1962.

BASIL WHITENER,
Chairman.

Mr. MORSE. In concluding my remarks, I wish to say that it is perfectly evident what this House group is trying to do. It is seeking to usurp power that it does not possess. There is no place in the District of Columbia for the importation of the racial bias which has characterized the Mississippi incident. The time has come in the Capital of the United States that policies be followed which represent the point of view of the overwhelming majority of the American people. Washington, D.C., does not belong to the segregationists of the South.

In my judgment, the moderates of the South are fast increasing in power and are beginning to recognize that the Constitution of the United States must be applied equally and uniformly to all our citizens, irrespective of the color of their skins.

The attempt on the part of this group of southern Representatives to seek to bring this kind of pressure upon the District Commissioners to prevent carrying out their very clear duty must be protested. That is why I take time this afternoon on the floor of the Senate to protest it.

I have a little advice to give to the President of the United States. In my judgment this situation also has its foreign policy effects, and involves the duty of the President to carry out the foreign policy of the United States in a manner that will redound to the benefit and glory of this country.

Just as the President had a duty to take a hand in the case of the shocking denial of constitutional rights in Mississippi, so the President of the United States has an obligation to take a hand in connection with the administration of the Government of the District of Columbia, and to see to it that Members of Congress who have formed this little voluntary committee of their own, and who seek to import into the District of Columbia an attitude held by some in the South, but which has no place in the District of Columbia, is brought to a stop.

The President of the United States, charged with the foreign policy of this country, has a clear obligation to all the people of this country to make very clear that he no longer will tolerate the kind of discrimination that exists in connection with the housing program in the District of Columbia.

The time has come to make clear to business interests of the District of Columbia, and to real estate operators in the District of Columbia who have large holdings of rental property in the District, that it is unconstitutional to seek to impose this kind of discrimination upon the colored people of the District of Columbia, in regard to where they can or cannot live.

They too are free Americans, and they too have the same constitutional rights as any white person of the South. It is about time that we protect the constitutional rights of the colored people in the District of Columbia.

Therefore, I say to my President:

"You, too, have a responsibility to see to it that the District Commissioners carry out what we all recognize is the national policy of this country, and that we stop getting ourselves into the embarrassing position that we were put into yesterday with regard to an African Embassy, when a real estate owner in this city, after having entered into a lease, broke the lease and denied to employees of the African Embassy the right to live in a certain apartment. Do you believe that that kind of incident is not going to be taken note of in the United Nations? Do you think that kind of disgraceful incident is not going to be taken note of in Africa and in every underdeveloped area of the world, where the skin of the people does not happen to be white? Do you think that that kind of shameful incident is not going to feed the grist mills of the Russian propaganda machine around the world?"

We do not have time to wait any longer for the fulfillment of the enforcement of the constitutional rights due the colored people of America. We have waited 90 long years for people to adjust to the principle of equality of rights under the Constitution of the United States. Ninety years is long enough.

The time has come for this Government by law to maintain the legal rights of the colored people in the District of Columbia and elsewhere in this Nation of ours. Therefore, I say Americans will be looking to see what the District Commissioners do about this shameful situation involving discrimination in regard to housing in the District of Columbia, and they will be waiting to see what the President of the United States does about it too.

SUPPLEMENTAL APPROPRIATIONS

Mr. JOHNSTON. Mr. President, I send an amendment to the desk which I will call up when the supplemental appropriation bill is considered by the Senate. It is H.R. 13290. I send the amendment to the desk and ask that it may be printed and lie on the table.

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

THE MILITARY SPACE PROGRAM

Mr. CANNON. Mr. President, 2 days ago we were thrilled by the remarkable feat of our newest astronaut, Mr. Walter Schirra. I congratulate him on the wonderful feat he accomplished. I also congratulate the thousands of persons who were behind the scenes in this remarkable feat of achievement in our drive forward in the so-called space race.

Mr. President, on August 20 of this year I delivered an address to this body detailing what I thought were the steps that should be taken in regard to our military space program. I have been very gratified by the response that my remarks invoked from a number of the leading citizens and thinkers in the United States today. Without exception, individuals writing to me expressed the hope and desire that our Government would get on with the job of building a military space force before it is too late.

Since my address of August 20, I have become more firmly convinced than ever that positive steps must be taken to insure the adequacy of our military capability in space.

I would like to insert here that I have no quarrel with the space programs as outlined by the National Aeronautics and Space Administration. I believe that our NASA programs are sound, and we must have the scientific and technical information which will be made available in the next few years by the implementation of these space projects. We must have an orderly, scientific exploration of space. I want to emphasize this fact for I did receive some slight criticisms from a congressional source that I was critical of the NASA programs; this is most certainly far from the truth. My position on the civilian exploration of space was made very clear in the address of August 20. Those who generated the criticism either did not read my speech or, at least, they did not read it in a careful manner.

The same congressional source raised the question as to what Sir Bernard Lovell, Jodrell Bank Observatory, England, one of the world's leading space scientists, thought about the Western world's building a space military force. On August 23, 1962, by cable, Sir Bernard Lovell was asked the following question:

> Would you comment by return cable on possibility that Soviets might use space advantage to block free world's planned scientific space programs or demand that they be conducted on Soviet terms? For protection of Western space programs and also for strategic reasons should not Western military capabilities be extended into space quickly?

On August 24, 1962, Sir Bernard replied as follows:

> As a first priority I think it is urgent for a major political effort to be made to stop the militarization of outer space. If this fails then the balance of military strength between East and West will deteriorate in favor of Russia, unless there is a greater appreciation of the high military potential of space in the Western world. If the effort to stop the militarization of space fails, then the outlook for refined astronomical observations from earth is grave in any case.

I know there was meticulous care in establishing the present so-called balanced space program through law back in 1958. At that time it appeared possible through a vigorous space exploration endeavor conducted solely in the interests of science exploration for the betterment of all mankind, that the most advanced and powerful nation on earth, the United States, could take the first major step toward complete disarmament by restricting the extension of the arms race into outer space. Therefore, in recognition of a national desire for peace, our national policy for the peaceful uses of outer space was established and duly announced to the world. This was done to impress upon both the "have" and "have-not" nations the example of our peaceful space endeavor and the good faith of our intentions. However, this thinking belongs with the thinking that prevailed back in 1958—prior to the brute force and the technical competence displayed by Vostoks I, II, III, and IV, and the accompanying bellicose threats voiced by the Soviet Communist hierarchy.

Mr. President, it sounds wonderful to say we have a broad program of basic building blocks to develop the technology to meet many possible contingencies as a way to provide necessary insurance against military surprise in space. This, I must say, sounds logical on the surface. However, if the Soviets choose to militate against the United States in space, by what magic formula do we eliminate the current five to seven years lead-time needed to make decisions, to forge research into technology, and then technology into an operational weapon system to comprise the so-called forces in being that will be needed for our defense. It is well to remind ourselves that the space effort of the Soviet Union is being conducted by the military forces with civilian scientific participation.

Regarding our military space effort I am reminded of those remarks that have been attributed to Gen. Nathan Bedford Forrest, and since denied by historians, that the secret of success in battle was "to get there first with the most men." General Forrest was recognizing sound principles of strategy that have been successful for more than 2,500 years. Certainly, we ignore those lessons at our peril. It has been pointed out by numerous writers on the subject that the desired way to apply these principles in the modern age is by strategic anticipation and development. In other words, Mr. President, it comes to my mind that if the United States is not first with the most capability, whether it be on the land, the sea, or in space, we are very likely to be there too late with too little.

The Soviets in their insidious methods of warfare and intimidation of whole populations have been, in some instances, too late with too little. I have only to

mention Malaya, Greece, Korea, the Philippine Islands, the Congo, and, yes, the whole of the Middle East, but we must not forget that the Soviets learn by experience. We have only to witness the gigantic military buildup in Cuba, their determined efforts in southeast Asia, and the Communist subversive activities throughout the whole of the world. We cannot expect the Soviets to pass up the advantage of having a military space force if it will enable the masters of the Kremlin to control the world. The announced purpose of communism is world conquest. Teddy Roosevelt once said:

Speak softly and carry a big stick.

I say, "The Russians are speaking loudly while they are trying to get a bigger stick"; that bigger stick may be space superiority.

Mr. President, I ask Senators this question: Do they honestly believe that the Soviets, whether with or without a treaty or an international agreement, would keep their word not to develop military spacecraft or to use space for warlike purposes? And it should be pointed out that they have not even made such a declaration. Most certainly, if we take the pragmatic approach to this question, we know that the Soviet word is generally not worth the paper upon which it is written.

The Soviets respect only one thing, and that is a powerful military deterrent. In the past 15 years, we have maneuvered our strategic advantage to counter the Soviets in almost any type of weaponry in which they have engaged; but each time they have come closer to winning the contest or gaining a strategic advantage. Certainly, if we believe the reports coming out of the Soviet Union by newspapers and intelligence sources, the race for missile dominance has been marked by an uncomfortably close margin.

I submit that it is a well-known fact that the Soviets lead us in the field of booster thrust for both missile and space development and have evidenced great technical capability in other areas of space science. The great danger to our security will come from the Soviet's effort to exploit this situation. An even greater danger can come from our Government's unwillingness to accept and to recognize this fact. Also, grave danger can come through resigning ourselves to negotiating with the Soviets on the peaceful uses of outer space, without being absolutely certain that they are not in the interim making preparations to use outer space for military purposes. I am most certain we can now proceed on the assumption that they are preparing military hardware for operation in outer space.

Now let us draw a parallel. What use did the Soviets make of the 3-year moratorium on nuclear testing? The answer is so obvious that I will not take the time of the Senate to discuss it.

We should never become so preoccupied that we overlook this one important fact. We must have forces that can operate in the complete aerospace. This includes the area from the earth's surface all the way up to and including outer space. My contention is, Mr. President, that it will take modern versions of missiles and manned aircraft; and it will take manned and unmanned spacecraft. Strategically, it will be of little benefit for the United States to control a good part of the earth's surface and of the atmosphere if a hostile power controls space.

Dr. Edward G. Welsh, Executive Secretary, National Aeronautics and Space Council, has said:

A significant thing about the space gap is that it has military potential, as did the missile gap. Moreover, it is having some of the same effect on the United States as did the missile gap; namely, it is stimulating us to move faster.

On the question of Soviet military space potential, Dr. Welsh mentioned further pertinent guidelines:

(1) Never underestimate your opposition; (2) never forget the Soviets' objectives of world domination; (3) do not minimize the military value of placing heavy objects in orbit and keeping men as well as devices in orbit for long periods; and (4) do not overlook the blackmail possibilities of weapons in space.

The obvious conclusion is: A satellite does not have to contain a weapon to possess military significance. The Soviet feats have indicated a space competence which has a direct bearing upon what is necessary to defend our country and to protect our own rights in space and on earth.

Our civilian space program costs stand at over $3.5 billion for the coming year. In 1964, it promises to go to $5 billion, and for the following years even greater expenditures are forecast. With national priority and apparently no restrictions on funds, our burgeoning civilian space programs have constantly and continuously been expanded to encompass just about every conceivable project, cutting across the whole spectrum of scientific exploration.

Man-to-the-moon is the word of today. The message is unequivocally loud and clear. However, what is not clear is how do we, in respect to the words of our Chief Executive, enforce the vow to see that the moon and planets beyond are not governed by a hostile flag of conquest but by a banner of freedom and peace? And, I ask: After the moon, what then?

The objective of my six-point military space program was purposely designed toward maintaining the peace, as the RECORD of August 20 will clearly show.

I agree with Secretary Zuckert when he said:

Space suggests new solutions to pressing military problems, while at the same time introducing new problems. Space-based systems may enable us to destroy ballistic missile retaliatory capability, but it would also be able to restrict our access to space.

We share the hope that the space medium will not be used for aggressive purposes, but we recognize the military possibilities in space. We must, therefore, prepare ourselves to defend against any eventuality. Just as our present-day deterrent force is kept strong to maintain the peace, our space systems will be developed to add to our ability to defend ourselves and the free world and, thereby, contribute to peace.

Mr. President, I ask once again for a clarification of our national space policy in a manner that will unquestionably secure the support of the American public throughout the difficult years ahead and would serve notice to those who would bury us that the President's word stating, "We will not go unprotected against the hostile misuse of space anymore than we would go unprotected against the hostile use of land or sea," embraces the wholehearted support of every American across the width and breadth of the United States.

Mr. President, in closing, I should like to sum up by reading a number of quotes.

Control of space will be decided in the next decade. If the Soviets control space they can control earth. We cannot run second in this vital race.

* * * space science like nuclear science and all technology has no conscience of its own. Whether it will become a force for good or evil depends on man, and only if the United States occupies a position of preeminence can we help decide whether this new ocean will be a sea of peace or a new terrifying theater of war.

I think that space has too many implications militarily, politically, psychologically and all the rest. No one can tell me that the United States cannot afford to do what the Soviet Union has done so successfully with a national income of less than half of ours.

Mr. President, the foregoing are quotations from the public speeches of the President of the United States.

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

The PRESIDING OFFICER (Mr. MCGEE in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BURDICK in the chair). Without objection, it is so ordered.

THE NEED FOR TAX REFORMS

Mr. PROXMIRE. Mr. President, this morning there appears in the New York Times an article entitled "Tax Cut Expected, but Not Reforms."

Mr. President, the point stressed by the article is that it is expected that next year Congress will begin to give consideration to a tax reform sugar coated with a tax cut, but that Congress will wind up eating the sugar—that is cutting taxes but letting the tax cuts which are so badly needed go down the drain.

I quote from the article:

The Treasury Department has reported that in 1959 gain or loss from the sale of capital assets was reported on nearly 5 million of the 60 million individual income tax returns. This suggests that substantial changes would meet stiff opposition.

Proposals to limit the depletion allowance on minerals or to reduce the standard 10 percent deduction for individual taxpayers, for example, would meet greater resistance.

I earnestly hope the administration will make a strong fight for tax reform

next year at the same time we consider the President's request for tax reduction, and that the President clearly conditions tax reduction on the elimination of some of the notorious inequities in the tax law. Without reform the President should use his veto.

I ask unanimous consent that the article from the New York Times, entitled "Tax Cut Expected, But Not Reforms," be printed in the RECORD at this point.

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

TAX CUT EXPECTED BUT NOT REFORMS—OBSERVERS BELIEVE CLOSING OF LOOPHOLES WILL WAIT

(By Robert Metz)

Washington observers are convinced that taxpayers are reasonably likely to pay taxes at lower rates next year without the unpleasantness of sterner rules on deductions and capital gains.

President Kennedy has all but promised lower taxes effective January 1, 1963. His plan, however, has been to introduce the idea along with a major reform bill that would give the tax cut an unpleasant after-taste for many taxpayers.

It now seems likely that the administration will put off major reform proposals until later. Or, if a major reform bill is introduced, the tax-cut segments may be lifted out, with the tacit consent of the administration, to be sent through Congress separately.

The Treasury Department has never revealed its thinking as to what changes should be included in a major reform package, other than to say that every provision of the law is being reexamined.

FEAR TOO-STRONG REFORMS

Treasury Department officials have conversed with tax specialists outside the Government, and have indicated that they have fears for the prospects of any legislation that carries a bigger stick than its carrot.

Some private observers have concluded that the President will propose a measure early next year that includes tax cuts of a modest denomination and some loophole-closing provisions of a minor sort. A second revision bill would follow, picking up the rest of the planned tax cuts and including the bulk of the reforms.

Other private observers are convinced that even minor loophole-closing provisions in 1963 legislative tax proposals would slow the course of the legislation until after 1963, making it very difficult to give retroactive reductions to January 1, 1963.

The goal of tax rate revision as realists see it is to reduce personal income rates from the present 20 to 91 percent spread, to perhaps 15 to 17 to 65 percent.

On the corporate side, the top rate of 52 percent would be reduced to 50 percent, perhaps a point or two more.

MAJOR CHANGES FAR AWAY

Nearly every observer on the scene is convinced that major tax reform is a goal that is very much in the future. They point out that every substantial piece of tax legislation has occurred in an even year. Successful tax legislation is invariably proposed in an odd year, just after a new Congress is seated, and it takes well over a year to finish debate in both Houses and send a bill to the President.

The latest piece of tax legislation, the Revenue Act of 1962, is a case in point. President Kennedy now has the measure before him for signature. He introduced the legislation in a message to Congress on April 20, 1961.

Observers have searched their minds for tightening provisions that could carry in a tax-cut measure. Nearly everything that occurs to them brings forth objections.

One of the biggest avenues of escape from the high tax rates is the capital gain. By shifting income into a form that qualifies as a capital gain, the tax gatherer's cut can be held to a maximum 25 percent.

The Treasury Department has reported that in 1959 gain or loss from the sale of capital assets was reported on nearly 5 million of the 60 million individual income tax returns. This suggests that substantial changes would meet stiff opposition.

Proposals to limit the depletion allowance on minerals or to reduce the standard 10-percent deduction for individual taxpayers, for example, would meet greater resistance.

FIGHT TO END IS DOUBTFUL

One commentator said: "My theory is that the administration isn't really trading reductions for loophole-closing anyway. The administration wanted the revenue-reducing investment credit in the present bill enough to insist on it, even though it couldn't get withholding.

"The President said the present set of proposals should be considered as a set, but he didn't say he would veto if it weren't."

OUR CHANCE TO SAVE AMERICA THE BEAUTIFUL

Mr. PROXMIRE. Mr. President, an outstanding Wisconsin labor leader, Carl W. Griepentrog, president of the Allied Industrial Workers of America, is an able man who has done a superb job for his union. In composing an article on conservation in this country, Mr. Griepentrog makes the kind of quiet and substantial contribution to the national well being which top-flight labor leaders have made often, but which is rarely recognized.

I quote now from the last two paragraphs of this fine article by Mr. Griepentrog:

The rest of this decade can be a historic one for the conservation of our natural resources. And organized labor has a vital stake in the outcome of the congressional battles now taking place. If we make headway in gaining new parks, new seashore and beaches, new trails and streams—we will have scored an important victory in the march of mankind toward a better life.

Every foreign visitor to our shores comments on the vast, uncluttered beauty of this land, and we sing about it in that wonderful song, "America, the Beautiful." But how beautiful America remains depends a great deal on what actions we take during the next few years to save, to maintain, and to protect what God has given us.

I ask unanimous consent that the article by Carl W. Griepentrog, entitled "Our Chance To Save America the Beautiful," be printed in the RECORD at this point, and I yield the floor.

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

OUR CHANCE TO SAVE AMERICA THE BEAUTIFUL

(By Carl W. Griepentrog)

Like many others in the American labor movement I look back with satisfaction on the many years I spent at the bargaining table fighting over a dime or a quarter an hour to improve the lot of my fellow union members.

Much of labor's time and energy has been spent to improve the "quantity of living," the dollars and cents which add up to a living wage.

As a boy on a North Dakota farm I saw two things which still haunt me: crop failures and dust storms. The crop failures meant economic misery to the farmers in the Wheat Belt, and the dust storms meant the permanent loss of precious topsoil.

Preserving our land, our wildlife, our timber, our water, and our scenic beauty has always seemed to me as important as securing a better wage for the worker and a fair price for the farmer.

Economic well-being goes hand in hand with physical well-being.

Today we have won a large measure of economic security for our members. The fight is not wholly won. There is still plenty to do.

But there is another level in labor's struggle for the good life which I believe deserves emphasis and understanding—the conservation of our natural resources.

In the distant past we might afford to be cruel in the exploitation of our natural resources. But as far back as 50 years ago, President Theodore Roosevelt and his Secretary of the Interior, Gifford Pinchot, were warning that the ruthless waste of our timber would curse future generations, and they were right.

They both led a dramatic fight to save precious lands for us and for our grandchildren. Since then, little has been done to prepare a growing nation for the insatiable demands for outdoor recreation, open space, water, minerals, and timber. Today we are at a very important turning point in our history.

WHITE HOUSE CONFERENCE

The White House Conference on Conservation this year in Washington brought together many of the conservation leaders of the Nation. My organization was one of the few labor groups represented in this gathering called by Secretary of Interior Stewart Udall.

Secretary Udall put the problem very bluntly when he said that the forester was the symbol of Teddy Roosevelt's time, the CCC camp the symbol of Franklin Roosevelt, and the bulldozer and rocket the symbol of what the conservation movement is up against in this decade.

In my State of Wisconsin, giant bulldozers and scrapers are digging out tons of moraine gravel to make way for new stretches of the Interstate Highway System. For years private interests have mined gravel out of the hills which are today destined to be part of the Ice Age National Scientific Reserve. This park will be an outdoor playground for millions of city dwellers and will also illustrate how the last glacier descended 10,000 years ago and left its spectacular deposits across the Wisconsin landscape.

Today the bulldozer and the power shovel slice away in the name of progress to provide for the automobile traveler, while the fight for hiking trails, overnight shelters, camping grounds, beaches, and the stocking of trout streams goes on. All these very worthwhile conservation projects play second fiddle to the clamor for bigger, wider, and faster highways.

There are some cynics who have recently suggested that the workingman and his family cares little for the outdoors except as a place to set down a boat and go roaring away in a blaze of water amusement. I disagree. I am sure that the reason many workers take off a week to hunt deer or moose is partly the satisfaction they get out of tramping through the woods.

Much of the pleasure in fishing for trout is the feel of water rushing around your legs, the sunlight filtering through the trees, and the excitement of landing a fish with reel and net.

Sebastian De Grazia in the new Twentieth Century study, "Of Time, Work and Leisure" seems to discount the pleasure man has attained in achieving shorter work hours

and more free time. He argues that "moonlighting" with extra filling station jobs and puttering around the house with a paint brush occupies man's new-found freedom, instead of just plain ordinary loafing and the enjoyment of nature.

In some part, this is so, but surely we in labor do not fight for shorter workweeks just to become philosophers or to take siestas, which seems to appeal to author De Grazia.

WILDERNESS

Congress is currently faced with an historic decision on the long-debated Wilderness Act, which would keep intact in their primitive wildness some 25 to 45 million acres, less than 2 percent of all our land.

Most of my fellow trade unionists would agree with Wallace Stegner, one of our leading conservation writers, who said:

"Something will have gone out of us as a people if we ever let the remaining wilderness be destroyed; if we permit the last virgin forests to be turned into comic books and plastic cigarette cases; if we drive the few remaining members of the wild species into zoos or to extinction; if we pollute the last clear air and dirty the last clean streams and push our paved roads through the last of the silence, so that never again will Americans be free in their own country from the noise, the exhausts, the stinks of human and automotive waste."

There is nothing alien to the trade union movement in this eloquent plea for conserving the last stretches of American wilderness. Indeed, this is the sort of rousing talk our people understand and believe.

Labor supports the proposed Youth Employment Act, which includes a modest Youth Conservation Corps. Countless thousands of our own members are graduates from the CCC camps which saved so much of our land and timber during the thirties and helped provide vigorous outdoor employment to the jobless youth of those depression years.

There is not a labor man I know who does not support the purchase and designation of new national parks. It is our people who drive to these places in throngs for a welcome change of pace from the humdrum life of the cities and factories. Some critics of the Wilderness bill would have you believe that the wild, unspoiled regions of America are to be saved only for the idle rich. They use the specious argument that the factory worker can never afford to take a pack trip into the wilds of the Rockies or a canoe trip into the Quetico-Superior region of northern Minnesota.

This argument falls flat on its face when you discover how many of our own members annually visit our national parks and turn to the woods for an opportunity to "recharge" their emotional batteries.

QUALITY OF LIVING

I started this article by stating that most of us in labor spend our time fighting for those things which improve "the quantity of living"—higher wages, shorter hours, paid vacations and holidays, and all the rest.

Let me say now that we have an equal responsibility to fight to improve "the quality of living." As we work to reduce hours and enlarge the paycheck, we must also work to provide museums, symphony orchestras, parks, and libraries so the soul of man can be enriched and enlarged.

It takes no mathematical genius to realize that more money is going to have to be spent to provide more open space for our growing population. Marion Clawson of Resources of the Future, points out that "use of our great public recreation areas has actually been, and still is, increasing at the rate of 8 to 10 percent and more a year." He notes that by the year 2000, our population will be double what it was in 1950. "Many of the people who will make up the population in the year 2000 already have been born, and the stork still is working overtime."

Income after taxes, he says, averaged $1,600 per person in 1956 and will likely reach the level of $3,600 per person in the year 2000. If you add to this the new leisure and ease of travel which modern life has brought to so many of us, you can readily see that the pressures will become tremendous for outdoor recreational space of all kinds—ranging from wading pools and tennis courts, to camping grounds and swimming beaches.

All outdoor recreational space amounts to 230 million acres presently, and Clawson believes it is difficult to add more than 10 to 20 million more acres to what we already have. With our population doubling, with more time on our hands, more money in our pockets, and more cars on the road—the pressure on our State and national parks, not to mention the neighborhood city playground, will become intense.

"Overuse can ruin a recreation area as thoroughly as a bulldozer," Clawson comments, and I thoroughly agree. The rest of this decade can be an historic one for the conservation of our natural resources. And organized labor has a vital stake in the outcome of the Congressional battles now taking place. If we make headway in gaining new parks, new seashore and beaches, new trails and streams—we will have scored an important victory in the march of mankind toward a better life.

Every foreign visitor to our shores comments on the vast, uncluttered beauty of this land, and we sing about it in that wonderful song, "America, the Beautiful." But how beautiful America remains depends a great deal on what actions we take during the next few years to save, to maintain, and to protect what God has given us.

TRADE EXPANSION ACT OF 1962

Mr. KERR. Mr. President, yesterday the Senate agreed to the conference report on the Trade Expansion Act of 1962, which is regarded by the Senator from Oklahoma as one of the most important pieces of legislation that has been passed by the Congress in the 14 years the Senator from Oklahoma has had the honor to serve in this body.

When the distinguished chairman of the House Ways and Means Committee, Mr. MILLS, presented the conference report to the House of Representatives yesterday, he made a statement with respect to the position of the special representative for trade negotiations who is to be appointed by the President and whose nomination must be confirmed by the Senate, as provided by the bill reported by the conferees. That statement appears on page 22279 in the CONGRESSIONAL RECORD of yesterday.

In that statement, the distinguished chairman of the Ways and Means Committee set forth some very important facts with reference to the responsibility of the newly designated special representative for trade negotiations with which the Senator from Oklahoma desires to associate and identify himself.

Yesterday, when the conference report was before the Senate, the Senator from Oklahoma obtained unanimous consent to place some remarks with reference to it in the RECORD, and then, due to other necessities and duties in the afternoon, was not able to do so before the day's session had ended.

Therefore, I ask unanimous consent to place in the RECORD at this point the remarks of the chairman of the Ways and Means Committee yesterday before the House with respect to the position of the Special Representative for Trade Negotiations.

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

EXCERPT FROM STATEMENT BY CHAIRMAN MILLS

Another change that the conferees agreed to was with respect to the position of the Special Representative for Trade Negotiations who is to be appointed by the President and confirmed by the Senate. The change made with respect to this official was made in connection with the interdepartmental agency that we set up within the executive department to advise the President on trade matters, including the initial negotiation of trade agreements.

In the House bill we left to the President's discretion the naming of the person who would be chairman of this statutory interdepartmental agency. In the bill as it passed the Senate and as it is presented to you in this conference report, this chief negotiator will be the chairman of that interdepartmental agency.

In connection with the acceptance by the House conferees of this provision, it was pointed out in conference that we do not want this chief negotiator to be so overburdened with other administrative aspects of this whole program that he cannot effectively act in the primary capacity that the Congress intends him to act—namely, as the chief negotiator for the United States in these agreements.

We provided for a special representative in order to make certain that negotiations under this act would be more effectively conducted than in the past. We hope that the President will extend him the maximum authority in preparing for and conducting negotiations under title II of this bill or modifying agreements.

These new responsibilities stress the fact that Congress intends that the negotiations be prepared for and carried out differently than in the past. The special representative should have at his direct disposal sufficient staff to assist him in his capacities as chief negotiator and chairman of an interagency trade organization. Staff obviously could be provided to some extent from offices in existing departments.

However, the Department of State, which did the negotiating previously and which chaired the Trade Agreements Committee is the only element now within the Government that is set up to devote a major portion of its resources and time to the negotiations. It was not our intention that this group would continue its past dominant role. Rather we intend by this legislation to place the responsibility for developing the technical information required for the negotiations in the hands of the special representative. He should have line authority over the development of information within the executive branch, calling on the relevant departments for support as needed. The procedure for hearing industry and agricultural groups, called for under the bill, should also be his responsibility, as well as the assessment of findings by the Tariff Commission.

Obviously the special representative will require a staff which spends its entire time on preparations for the negotiations and for the negotiations themselves. Because of the scope of negotiations authorized by this act, these preparations will require a more extensive examination of all tariff classifications—especially since these have recently been changed—a more careful examination

of industry data, and a thorough study of market potentials abroad so that maximum benefits can be sought.

The longrun effects of negotiations under this act are so significant that it requires the undivided attention of a group of experts to make certain that we have done the best by the U.S. economy.

One other provision that was adopted in conference would permit the President, whenever nations with which we have an agreement with respect to fish conservation, or nations which refuse to enter into such agreements, follow practices which are inimical to the interests of conservation, then the President may take action to increase tariffs on fish or fish products imported from such country.

Mr. KERR. Mr. President, it is the considered judgment of the Senator from Oklahoma that, under the operation of this law, there will be developed, on a basis that safeguards and maintains in its entirety the integrity of the sovereignty of the United States, which under no circumstances should ever be impaired or lessened, an association between our country and Western Europe that constitutes the greatest combined industrial power ever conceived and implemented by the mind of man.

The combined industrial power of the United States and of Western Europe, working together in the relationship which will be developed under the bill, will constitute insurance not only for the survival of the free world, but also for the continued ability of the United States and its friends in the Western World to hold back Communist aggression and strip from the Communist nations the facade of favorable attributes—of desirability and merit—which they attempt to wrongfully present, so that the Communist purpose of ruthless aggression will stand naked before the startled eyes of a constantly alert and aware world, in order that the Communist effort might be rightly appraised, correctly analyzed and interpreted, and adequately met.

In the operation of our program those are the objectives of our Government.

I know the President will administer this program with those objectives uppermost in his mind, conscious of the necessity of maintaining an environment in which all American industry may prosper and no American industry may suffer or be impaired.

It was the confidence of the Senator from Oklahoma that the President would so administer this program and confidence in the success of it under that character of administration which impelled the Senator from Oklahoma to support that program to the extent and in the manner that he did.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TARIFF CLASSIFICATION DESCRIPTION FOR LIGHTWEIGHT BICYCLES

The Senate resumed the consideration of the bill (H.R. 8938) to provide a more definitive tariff classification description for lightweight bicycles.

Mr. JAVITS. Mr. President, I address myself to the pending measure, the so-called bicycle bill. In due course I shall submit an amendment to the bill which will incorporate my own view as to what ought to happen with respect to it.

First, I should like to explain why I am concerned about it. Why should I be concerned about a bicycle bill? In the State of New York bicycle manufacturers have been diligently laying their case before me. I admire them for it. It is their duty to lay the problem before me and my duty to listen.

But why should I be worried about a bicycle bill near the close of the session? No matter what bad luck we may encounter, we are probably in the last week of the session.

Not many people are knocking on my door to do something about the bill. For all practical purposes I can say I am completely self-operative in respect to the bill. To add to the complications, I am a candidate for reelection in the coming election. Nonetheless, I believe that when one serves in the Senate, one has a national duty. I am acting in respect to the bill in pursuance of what I consider to be my duty as a Senator of the United States, for, Mr. President, in this one bill are incorporated almost all the inequities, inconsistencies, and improvidences of the foreign economic policy of the United States.

First, the bill is bad for consumers.

Second, it will complicate our relations very seriously with those with whom we deal in the world.

I will prove that. It will cause not only bad blood, but actual loss of business. Of course, the bicycle manufacturers feel that the loss of business will not fall on them, but will fall on other manufacturers. I do not say they are callous or indifferent, but, like everyone else, they feel that they must look out for themselves, and that that is the rule of business. I believe that is true until we get to Congress, where we are supposed to take a broad look at the whole subject.

Third, the day after we approved the Trade Expansion Act of 1962, the pending bill would seek to undercut it. We do not wait very long. The very day after we approve the trade bill we are already trying to undercut it.

Fourth, if all these things were not sufficient, it is my honest judgment this measure would not help the bicycle manufacturers, because foreign manufacturers have shown their ability to hurdle high tariffs. The tariff is now 11¼ percent. Even if it were doubled, to 22½ percent, based upon past history, the foreign manufacturers would be able to hurdle that tariff also. They would be able to hurdle it, as they have been able to hurdle the 11¼-percent tariff.

The real answer to foreign competition is better merchandising, a better product, and better sales appeal to the American consumer. It cannot be found in erecting a somewhat higher tariff wall. That has already been pretty well recognized by many companies. Many of those who believe they are entitled to the protection of our tariff laws have sought to use the quota system; they had no real confidence that any kind of tariff increase, unless it were completely unreasonable, would do them much good.

For all those reasons, I believe the bill represents an unwise exercise of our discretion and judgment. Because I believe it is so critically important to the future of our Nation that we engage effectively in the export-import business, and expand our exports as much as possible, I think these issues need to be raised and discussed, whether or not they have the effect of killing the bill.

I understand the bill was reported unanimously by the Committee on Finance. I do not know that there is a great deal of support for my position. Nonetheless I feel it my duty to state it, because of my deep concern with the expansion of our exports, and because of the way we have, when something needs to be said, to say it, and implement it in the saying. It does have an effect, even though it may not have a direct impact upon the particular measure to which it is directed.

I should like to proceed now, to prove some of the statements that I have made. In the first place, I said this was a bad bill for the consumers. The purport of the bill is, by changing the definition of what is a lightweight bicycle, to change the definition which is now incorporated in the tariff laws and double the import duty on lightweight bicycles which have curved frames. It is assumed that doubling the import duty on these bicycles will raise their retail price by about $5 for each bicycle. On the estimated 300,000 bicycles that will be involved, the cost to the consumers will be a million and a half dollars.

I believe that American consumers have begun to realize what they should realize, and that is that a vital and active foreign trade is very important to them. It is a built-in governor on inefficiency. It is a built-in governor on unreasonable prices. Many millions of Americans ride bicycles. I myself ride one. Incidentally, I have been riding an American, not a British bicycle. I find an American bicycle very satisfactory, and riding a bicycle a wonderful form of outdoor exercise.

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

Mr. JAVITS. I yield.

Mr. KEATING. I warn the Senator that in the hearings on the nomination of Judge Cooper, which was so controversial, one of the incidents about which complaint was made about Judge Cooper was with respect to what he did when he was riding a bicycle.

I hope my colleague from New York will be very careful not to become in-

volved in any incidents such as Judge Cooper is alleged to have gotten into on his bicycle. Bicycle riding is good exercise, in fact, one of the best; and I regret that motorcycles and automobiles make the highways a little dangerous for the bicyclist. Riding a bicycle exercises every muscle of the body. I am a strong bicycle man. I am glad my colleague shares that view.

Mr. JAVITS. I thank my colleague. What caused Judge Cooper's troubles was that he rode a bicycle on a street that had buses on it. That is not a very good practice for bicycling. Central Park in New York has wonderful bicycle paths. There are many areas in our State, especially on Long Island, which are rather level and lend themselves happily to even long-distance bicycling. I thank my colleague for his very pleasant interjection.

The first point I make is that the pending bill would cost consumers an estimated million and a half dollars a year. This does not mean that American manufacturers are not entitled to proper recompense and a fair profit. However, they should stand in some relative competitive position in terms of efficiency and in terms of the makeup of the product. I believe the point which we are talking about is the relative competition as between American manufacturers and those who export bicycles to us.

The second point is that the American bicycle manufacturing industry has been doing pretty well. Generally speaking, we have designed our peril point and escape clause protections for domestic manufacturers on the basis of "serious injury," which are the words of art incorporated in the law.

According to our figures, the sales of U.S. producers in the U.S. market of bicycles have risen from 1.8 million units in 1955 to 2.6 million units in 1961. The relationship of U.S. sales to sales of foreign makes in the U.S. market has increased in that period from a ratio of 60 to 40 to a ration of 70 to 30.

I believe it is fair to say that it is for that reason that relief is sought by a change in the definition, rather than relief being sought through the invocation of the escape clause, or, if there are new negotiations, under the peril point provisions of the law.

I think this is extremely important, because the definition was not a basis—that is, the definition which is changed by the bill—or an element in the trade negotiations or in the customs designation which resulted in the Tariff Act provision which now obtains with respect to so-called lightweight bicycles. The three items which were factors in regard to defining this type of bicycle are the overall weight, the wheel circumference, and the width of tire. There is no claim that the overall weight, wheel circumference, or width of tire on the bicycles which are complained about are any different from the overall weight, wheel circumference, or width of tire of the traditional lightweight bicycle. The bicycle industry in the United States contends that the term "lightweight bicycles" is intended to mean bicycles made with frames entirely of straight tubes, which are called diamond frames.

It is contended that the American industry developed a lightweight bicycle in about 1954, having a curved top bar and a tire diameter somewhat wider than that of the traditional lightweight British bicycle. It is now claimed that under cover of the lightweight classification, the British and other producers are importing bicycles into the United States having the same curved frame and are giving them the benefit of the low duties for lightweight bicycles. It is claimed by the industry that this represents a deception; that it was never intended that those bicycles should be classed as lightweight bicycles or be covered by reciprocal trade agreements relating to lightweight bicycles, and that therefore the bill should be passed.

The difficulty with that position is that the Tariff Commission and other executive agencies of the Government do not agree—and I am confident that those who send the bicycles here would not agree; we all understand that—that the particular bicycles complained about weigh as much as or less than the traditional lightweight bicycles to which I have referred; or that the tire width is the same as or less than that of the traditional lightweight bicycle, so that it would seem to qualify under the law and under the Reciprocal Trade Agreements, but the industry claims it was never so "intended." That particular word is used.

Although this is a way in which a colorable claim upon which the bill can be based, it seems to me that the essence or thrust of the bill is to double the tariff on bicycles with respect to which domestic manufacturers believe there is competition.

I have stated the fate of the consumer. It is estimated that the consumer will pay $1,500,000 more for 300,000 bicycles than he pays now. Let us consider what will happen to other American manufacturers.

Let us understand that if the bill should become law, it will be necessary for the United States to renegotiate or terminate its agreement with the United Kingdom, an agreement which is also of substantial importance, because of the most-favored-nations clause with respect to Belgium, the Netherlands, Germany, France, and Italy We must expect—and it is confidently expected that it will happen—that compensation will have to be given for the change in agreement. We shall have to give some reciprocal consideration, and this will be a disadvantage to manufacturers of other products, for if we do not provide reciprocal consideration, there will be retaliation by foreign exporters in nations which are affected.

Whatever may happen to my particular position upon the bill in the last days of this session of Congress, let me predict that if the bill becomes law, there will be the same outcry and the same headline which occurred with respect to the U.S. action on glass and carpets, when those tariffs were raised, placing a burden upon others than those particular American makers, a burden which also disrupted the opportunity for ourselves and the European Common Market to reach some kind of agreement. Let us remember that the fundamental intent of the Trade Expansion Act of 1962, which was approved only yesterday, is to enable the United States to reach more agreements with the principal exporting countries of the world. Yet here we are, the very next day, going the same way to obstruct that very opportunity on the part of our Government by taking action which changes studied agreements and very materially offends other nations. I do not speak of offending them in terms of their feelings, but in terms of their capability and intention to retaliate.

Such retaliation is not an idle matter. I refer to the fact that when the United States increased the tariffs on glass and carpets, the European Economic Community promptly caused retaliatory action to be taken, costing more in terms of U.S. exports than the amount by which the United States benefited by its tariff increase. The retaliation against U.S. exports was estimated to be $36 million, as compared to the advantage allegedly gained by American makers of carpet and glass in the United States, which amounted to about $27 million in exports to the United States which were lost to the same European Economic Community countries.

The tariff increases with which they retaliated were the following: $8.1 million in manmade fiber textiles; $3 million in paints and varnishes; and $25 million in polyethylene. Indeed, eight U.S. textile firms having main offices or production facilities in New York State, which exhibited their products at the fair in Frankfurt, Germany, last June, expect to lose their markets as a result of the European Common Market's retaliation against the glass and carpet tariff increases. Other firms in New York have written to me that their relatively small businesses will be wiped out or severely hurt by this retaliation.

It is believed that by reason of retaliation against the enactment of the bill and the increase in the bicycle tariff there will be a $7,500,000 to $10 million export loss by the United Kingdom and the nations in the European Economic Community. We can be absolutely certain that retaliation will take place at the very minimum in that amount, probably more. But instead of the burden falling upon the bicycle manufacturers, it will fall on some other manufacturers who have some part of the export trade which will be disadvantaged.

I say to my farm friends that they, too, had better take a pretty hard look at this proposal. What we are trying to do, more than anything else, in our relations with the European Common Market, is to have that market lift its restrictions, such as those which exist on fruits and agricultural products of that type, and not to impose restrictions on poultry and similar products. But

this bill is not the way to approach them in respect of obtaining that kind of concession. This bill repeals a concession—that is the way they will define it, without any question—which they have enjoyed under a trade agreement entered into deliberately. The repercussions will not be very happy.

Again, I do not speak in terms of outraged feelings; I speak in terms of the hard coin of retaliatory action, in terms of exports and imports. One of the significant aspects of the world in which we now live is that the European Economic Community is no longer a Europe depending on the Marshall plan. It has personality and capability for conducting negotiations of its own, as was shown in the retaliatory increase in answer to the tariff increase which the United States imposed on carpets and glass.

So my prediction of retaliation is not merely conversation; it is based upon hard experience which we have already had, and upon what is very clearly indicated will be the likely outcome of enacting the bill.

Let us remember also that the agreement made with respect to these bicycles was made only 18 months ago, and that the problem will arise with the very same nations with which we had the problem of attrition, the collision of interest, as it were, in respect of the tariff increases on carpets and glass. The danger of retaliation and of the tension which will be created between the negotiating parties, is, in my opinion, a very real and present danger.

As to the last point which I made when I opened the discussion, it seems to me that we must understand now, as we are out in a trading world in which we face serious competition, that we cannot have things all our own way. The flow of trade cannot be all one way. If we wish to expand our exports—and it is essential, in our national interest, that we do so—we must also expand our imports. After all, one result cannot happen in the absence of the other.

It would be most improvident for us to bury our heads in the sand, like ostriches, and think we could undertake this sort of measure, in dealing with bicycles, by means of a redefinition which, in effect, would double the tariff and would invalidate the agreements we made only 18 months ago with other nations, and not expect them to retaliate and to doubt very seriously our purpose in enacting the Trade Expansion Act of 1962.

I realize that a Member of the Senate is constantly subjected to pressures from many groups, and undoubtedly such pressures have their effect, either wittingly or unwittingly. Therefore, Mr. President, this is all the more reason why some of us, especially those of us who come from great industrial States, should protest the attempt to compromise our foreign economic policy in a way which, in this case, as I see it, would be so substantial and so serious.

New York is the largest exporting State of the United States. The exports from New York State alone—without regard to transshipment and the use of the port of New York—amount to not less than $1,500 million annually. A very important part of the economy of New York State relates to the export trade. So I must emphasize to my constituents that they have a very great deal at stake, in terms of the production of goods in New York State and employment in New York State. Therefore, even though it would be much easier for me if I could accommodate—as I should like to do, if I possibly could—manufacturers in New York State who wish this bill to be passed, I cannot do so in good conscience, particularly in view of the fact that I have a fairly good economic education and I know a good deal—because of my experience in Congress and elsewhere—about the dynamics and operations of business. Someone must make the points which are being made today; and I have felt it my duty to do so.

In view of the fact that in the Trade Expansion Act of 1962 we have given the President broad negotiating authority, and in view of the fact that that bill was reported—unanimously, I believe—by the Senate Finance Committee, I do not feel that Congress can properly fail to shape the measure now before us so it will accord with the purposes of the Trade Expansion Act of 1962, which only yesterday was acted on by the Senate.

Therefore, I have drafted an amendment which I send to the desk and ask to have stated. The amendment carries out the fundamental purpose I have in mind: to shape this bill in such a way as to have it meet the requirements of the Trade Expansion Act of 1962.

The PRESIDING OFFICER (Mr. PELL in the chair). The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, in line 7, it is proposed to delete the period and to insert the following:

Provided, however, That the President may further suspend the effective date of the foregoing amendment if he finds that its effect is inconsistent with the exercise of his powers under the Trade Expansion Act of 1962, and shall within 10 days of such further suspension notify the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of such suspension and of the reasons therefor.

Mr. JAVITS. Mr. President, I call the attention of the Senate to the fact that the amendment ties in with a very interesting and considerable deferral of the effective date of the bill. I am sure the drafters of the bill realized there would be a considerable outcry and difficulty because of the bill—in short, because of the fact that it would require that agreements solemnly made by our country under the Reciprocal Trade Act be renegotiated or called off. Therefore, the amendment is designed to take effect in accordance with the following provision of the bill:

As soon as practicable, on a date to be specified by the President in a notice to the Secretary of the Treasury following such negotiations as may be necessary to effect a modification or termination of any international obligation of the United States with which the amendment might conflict, but in any event not later than 180 days after the date of the enactment of this Act.

For all practical purposes, the bill requires that, regardless of whether the negotiations to effect a modification or termination of any international obligation of the United States with which the amendment to the Tariff Act which it provides might conflict are successful or not, regardless of whether the negotiating parties agree or disagree, this amendment to the Tariff Act will take effect 6 months after the date of enactment of the measure.

It seems to me that flies directly in the face of the Trade Expansion Act of 1962, because this measure would say to the President, "Even if you do not believe this is in the interest of the United States, even if within the negotiating authority of the Trade Expansion Act of 1962, you cannot make any other arrangement with the contracting parties in this connection, even if under the terms of the agreement which you negotiated only 18 months ago you cannot renegotiate for it or compensate for it, nevertheless, regardless of whatever may be the international status of the United States with respect to trade matters, 6 months after this bill becomes law this amendment to the Tariff Act will take effect, and, ipso facto—whatever may be the circumstances—the tariff will be doubled."

Mr. President, I think that would be most unprovident, unwise, and completely inconsistent with the Trade Expansion Act of 1962.

For that reason, rather than in an effort to kill the bill, I have offered this amendment, which would reconcile this bill—and would do so effectively, I believe—with the Trade Expansion Act of 1962, and would confirm what we wish the President to do, namely, make this particular change in the definition, but leave the authority in his hands.

I can see no difference between what is provided in the bill and old-fashioned logrolling, for we would be telling the President what to do, and we would say that if he does not do it, that will be just too bad, but it will become the law, just the same.

In my opinion, at the very least, in view of the action the Senate took yesterday on the Trade Expansion Act of 1962, the Senate should make the two patterns consistent, instead of taking the attitude that our country can do whatever it wishes with the bicycle industry; that no one else will pay any attention to such action by our country; and that we will get by with it. We would not get by with it, and there would be retaliation which would be both embarrassing and costly.

I come now to the last point. The tradition and history of efforts exactly like this one is that they do not work in the interest of the domestic manufacturer. They may work for a little while, but within a very short time the American manufacturer who is not "hep" to the effect of foreign competition softens up and goes along, on the theory that he will be bailed out. The foreign manufacturer finds methods to make up the 10 or 11 percent, whether it is out of his profits, by way of some gimmicks he introduces on his bicycles, by sales appeal, or by whatever other efforts he may make. The domestic manufacturer then finds himself where he started.

That has been the history of this kind of operation. We passed the Trade Expansion Act of 1962 so we could put into being a better and more effective policy, as an indication that we are living in the world and are no longer insulated in the United States.

As I said at the beginning, it would be very easy for me to agree with my colleagues on this bill, which has been reported to the Senate by my best friends, Senators for whom I have the greatest affection, and for whom I would stretch not one, but many, points if I could humanly do it. But, since I am devoted to the trade policy of our Nation, and have made it almost my complete study and concern in the 14 years of my service in the Congress, I cannot do it. I know full well that other bills of this kind have come along, but it strikes me strongly on the day after the Trade Expansion Act of 1962 was passed, that we should be entertaining a measure of this character. I felt it my duty, in all conscience, to bring out the point and to submit the amendment.

As an accommodation to me, the Senator in charge of the bill, the Senator from Oklahoma [Mr. KERR], my own leader, the Senator from Illinois [Mr. DIRKSEN], who is very much interested in the bill, and the majority leader agreed to postpone consideration of the bill until today. I told them expressly that I would appreciate its being carried over until after the Trade Expansion Act was passed, and not before. My reason for the juxtaposition is sharply evident. I was not taking any advantage of them, because we all knew that the Trade Expansion Act of 1962 would become law. I thought, in all fairness, that we ought to consider a bill of this character after action upon that historic and dynamic and new departure in the trade policy of the United States.

I yield the floor.

Mr. DIRKSEN. Mr. President, the pending measure H.R. 8938 comes from the Senate Committee on Finance. There is now pending an amendment offered by the distinguished Senator from New York [Mr. JAVITS]. The amendment would destroy the effect of the bill, and I trust, therefore, that it will be rejected.

A memorandum which was filed with the committee in connection with the bill carries what I think is a completely explanatory title. It says, "Proposed legislation to plug tariff loophole growing out of importation of foreign-made middleweight bicycles camouflaged as lightweight."

I think that is, in essence, the whole story now before the Senate. The problem goes back to 1947. The bill which is before the Senate would do nothing more than seek to achieve the intent of the Congress, of the negotiations, and of the agreement which was effectuated in the first instance.

It so happens that bicycles, depending upon whether they are middleweight or lightweight, derive a different form of duty. In meeting the lightweight competition, which means competition from lightweight bicycles manufactured abroad, the American producers developed a middleweight bicycle, but the foreign producers found a way of getting around the limitation, and that meant, of course, the classification and the intent which was before the Congress at the time it was considered.

I think I should say in behalf of the domestic producers that they would not quarrel about this under ordinary circumstances. The representative of the Bicycle Institute, when he appeared before the committee, said:

> If we are faced with and must take a further reduction, and if it is possible to give us adequate protection on our American machines, a small reduction in the conventional British lightweight would not be too serious. In other words, if we can get into that position where by conceding a small concession on the conventional British lightweight we can establish a proper differential on our heavyweights, it would be to our advantage to have it that way.

There is an expression of absolute fairness in approach. I think that is the supervening issue. I am as much interested in the consumer as is anyone else, but I am also interested in the principle of fairness to the American producer, who is under heavy competition, not only from British, but also from French, Austrian, Polish, German, and I suppose other producers.

I have seen the warehouses at the harbor in Chicago piled so high with packaged bicycles that one never before realized that there were that many bicycles in the entire universe.

This is, of course, not necessarily a threat, but it is a problem for the American industry. Let us not forget that industry provides jobs, and jobs are not the least consideration before this Congress at a time when there is still a big package of structural unemployment.

The bill would provide a more definitive tariff classification description for lightweight bicycles. It would not change anything, beyond providing a proper definition, such as was intended when the first trade agreement was negotiated. In this connection, the bill seeks only to insure the application of the original trade agreement intent that bicycles classified as "lightweights" shall have frames, not including the front and rear wheel forks, of straight tubing.

The bill was unanimously reported by the House Committee on Ways and Means on September 22, 1961, and was passed with the unanimous consent of the House of Representatives on April 5, 1962.

At the time the bill was passed, Chairman WILBUR MILLS, of the House Committee on Ways and Means said:

> The committee (House Committee on Ways and Means) is convinced that the record made before the Committee for Reciprocity Information, the agency which heard interested parties before the trade agreement negotiations in question were started, shows that this trade agreement concession was intended to cover bicycles which are commonly known as diamond frame bicycles; that is, bicycles with frames, not including the front and rear wheel forks, consisting of all straight tubing.

And Mr. BASS, who originally introduced the bill, said:

> This bill seeks only to insure the application of the original trade agreement intent—1947—that bicycles classified as "lightweights" shall have frames—not including the front and rear wheel forks—of all straight tubing.
>
> Passage of H.R. 8938 will permit all bicycles which were originally intended to come in at the lower lightweight duty rate to continue to come in at that lower rate.
>
> As the practice directly contravenes the 1947 trade agreement intent, curved tubular bicycles of American middleweight design will no longer be permitted entry into the United States at the low lightweight duty rate. This is as it should be and follows from the initial understanding and subsequent statements of all parties, including foreign manufacturers, importers, and domestic producers.

Mr. President, that was the intent and the understanding of all concerned, including foreign and domestic producers.

Mr. BASS continued:

> Calling as it does for the application of the original trade agreement intent, this bill is of a distinctly just and equitable nature. In these circumstances, a proper lightweight tariff classification should be worked out prior to the negotiations of further general tariff reductions.

I do not believe that the bill would require any renegotiation of agreements. I do not believe it would invite any retaliation. The bill would merely try to give effect to what was the intent in 1947, and is therefore in the interest of fairness.

In view of the foregoing, as the bill seeks only to insure the application of the original trade agreement intent, as the record before the Committee for Reciprocity Information clearly indicates the correct intent, as all parties concerned are in full agreement on this point, as the bill is of a just and equitable nature, and as a proper lightweight tariff classification should be worked out prior to the negotiations of further general tariff reductions, it was urged that the Senate Finance Committee favorably consider H.R. 8938.

The committee did so, and, as I understand, the committee unanimously reported the bill.

The bill has the unanimous support of the Committee on Ways and Means. It came to the Senate without objection from the House of Representatives. It was unanimously reported by the Senate Committee on Finance. Therefore the bill ought to be passed without amendment; and I respectfully urge the Senate to reject the pending amendment offered by the distinguished Senator from New York.

Mr. SALTONSTALL. Mr. President, I wish to ask the Senator from Oklahoma a question with respect to H.R. 8938. Massachusetts has a very fine small bicycle plant at Westfield. It has been my understanding for at least the past 2 years that bicycles have been coming into the United States, not necessarily in violation of the tariff, but through an arrangement made in such a way that they enter this country under a reduced tariff when they really should not have come in under that rate. Do I correctly understand that the bill would clarify the classification description of lightweight bicycles?

Mr. GORE. Mr. President, I ask for a vote on the pending amendment.

Mr. KERR. Mr. President, I thought the Senator from Massachusetts had the

floor and had addressed a question to the Senator from Oklahoma.

Mr. GORE. I beg the Senator's pardon.

Mr. SALTONSTALL. I had asked the Senator from Oklahoma a question in relation to the importation of bicycles. If my understanding is correct, I shall vote against the amendment of the Senator from New York.

Mr. KERR. The answer to the Senator's question is "Yes." The bill seeks to correct the situation whereby foreign bicycles have been changed in design and conformation since the agreement under the Reciprocal Trade Agreements Act had been reached, so that bicycles which it had been contemplated would pay a higher rate now pay a much lower rate. Rather than a situation in which the bicycle has been made more competitive so that it could pay the rate under the classification, we have a situation in which the specifications have been changed so that it now comes in at a lower rate. The purpose of the bill is to correct that condition.

Mr. SALTONSTALL. That is my understanding. I appreciate the Senator's statement, because it affects bicycles manufactured in the United States by reason of the competition which is taking place in a way which was not intended by the Tariff Act.

Mr. KERR. That was not intended by the trade agreements which were made.

Mr. SALTONSTALL. Mr. President, I yield the floor. I thank the Senator from Oklahoma.

Mr. KERR. Mr. President, I desire to say one thing about the amendment and the statement of the Senator from New York. The Senator from New York said he feared the bill would result in retaliation. The purpose of the bill is to remove that which, in effect, was unjustified retaliation against U.S. manufacturers.

I am reminded of a cattleman who, during the 1954 agricultural recession, was talking to another cattleman. He said, "If this situation becomes any worse, I will have to rob a bank."

The other one replied, "If things don't get better, I already have."

We are not creating a situation that might provoke retaliation. We are correcting a situation in which retaliation has already occurred against an American industry and American outlets which sell the products of that American industry, which has been greatly damaged by a situation that was not contemplated by those who made the trade agreement, but which has developed by reason of foreign manufacturers and producers taking advantage of some loose language in the trade agreement which has permitted them to flood the American market with bicycles which were not contemplated to be eligible for the reduced rates which they are obtaining under the operation of the law as it is now in effect.

Mr. GORE. Mr. President, I hope that the amendment of the distinguished Senator from New York will be rejected and that the Senate may come expeditiously to a vote.

Mr. JAVITS. Mr. President, self-respect requires me to reply, because just so much has been said as to need reply.

No one has asked me to offer my amendment. I have said this before having offered this amendment. Actually, there are manufacturers in my State of whose future, and that of their workers, I am deeply solicitous. I am also deeply solicitous about those who work in the export industries in my State.

I say to the Senator from Oklahoma that I simply do not fear retaliation. I confidently predict it.

There has been retaliation with respect to carpets and glass, and there will be retaliation on the bicycle bill. The reason why there will be retaliation is that the rates under the trade agreement that has been referred to are explicit. They refer to "bicycles." They do not refer to bicycles having curved frames or bicycles having diamond frames.

They refer to bicycles of a certain weight and having a certain tire width and wheel diameter. If any further confirmation of that is needed, Mr. Paul Kaplowitz, General Counsel of the U.S. Tariff Commission, said precisely that, as it appears on page 15 of the hearings. He said:

> Well, the only point that I would like to make is that the description in the agreement does not use the term "lightweight" but describes a bicycle in terms of specifications by weight and circumference of the wheels, the tires.

That was his statement. So I do not fear retaliation; I confidently predict it. It will be harmful and most unwise for the United States, in view of our trade policy.

I say to Senators and to the attachés that I shall be finished in about 3 minutes. I hope the attachés will invite as many Senators as are in the corridors and elsewhere to come to the Chamber. I hope to have a division vote upon my amendment, and that will settle the question. I am not a child. I know that a determined Senator in the last days of the session could kill the bill, if he insisted on doing so under the rules.

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

Mr. JAVITS. I shall be finished in a moment.

Mr. MANSFIELD. The Senator from New York has made a statement which I think is subject to a different interpretation, because I could have brought the bill up—either of us could have done so—at least 2½ months ago, and we would not have been faced with this situation. I think the Senate ought to know that.

Mr. JAVITS. If the Senator will allow me to finish, I shall discuss precisely that. I was about to say, if the Senator had allowed me to finish, that it was because of the courtesy and consideration shown to me, and my respect for the legislative process, that I would not have thought of doing any such thing.

Mr. MANSFIELD. I appreciate the Senator's statement.

Mr. JAVITS. I am bringing the matter to an issue promptly and quickly. Actually, I had hoped to accommodate my distinguished colleague, who is most anxious to get away, as I hope the rest of us will be able to do.

It is my intention to demonstrate the point that if we desire to do something about international trade which is in accordance with the Trade Expansion Act, which was just passed, it is necessary for us to practice what we preach. Whether we do so on this bill or not—and apparently we will not—it is very important to make the point. It must be said, so that those who deal with us may know that there are many Members of this body and of the other body who understand the situation only too well. Today I may lose—and probably shall; but tomorrow, I may very well win with the same argument and with the very allies who may vote against me today, because this case has to be made, and only experience can make it.

Finally, it is said that there was an intent in the trade agreement that we should not cover this particular situation, and that all we are doing is expressing intent. The Bureau of Customs does not think so, and the executive agencies of the Government do not think so. They all have ruled exactly the other way, and they are the people who negotiated the trade agreement. If there was an intent, it was theirs, and they say flatly that there was no such intent.

Finally, Mr. President, it is argued that this bill is for the purpose of increasing employment. That is true. But Senators must also bear in mind the necessity to maintain employment in our export industries. Why has Congress passed the trade bill, notwithstanding strong opposition to it, and provided in that bill for adjustment assistance? Congress did so because it is convinced that expansion of our export trade is of paramount importance. But, Mr. President, if some of us do not fight for our export trade, it will go down the drain, notwithstanding the pious expression contained in the Trade Expansion Act of 1962.

For these reasons I hope my amendment will prevail. It should prevail. It merely will make this bill consistent with our action of yesterday on the Trade Expansion Act of 1962.

Mr. President, at this point I suggest the absence of a quorum. After the quorum call is begun, and after a few more Senators have entered the Chamber, I shall request that the order for the quorum call be rescinded; and then I shall request, on the question of agreeing to the amendment, that there be a division.

So, Mr. President, at this time I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PELL in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the amendment of the Senator from New York [Mr. JAVITS].

Mr. JAVITS. Mr. President, on this question, I request a division.

The PRESIDING OFFICER. A division is requested on this question; and the Senate will now proceed to divide.

On a division, the amendment was rejected.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 8938) was ordered to a third reading, read the third time, and passed.

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

Mr. GORE. Mr. President, I move that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7927) to adjust postal rates, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 12708) to increase the jurisdiction of the municipal court for the District of Columbia in civil actions, to change the names of the court, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Acting President pro tempore:

S. 507. An act to set aside certain lands in Washington for Indians of the Quinault Tribe;

S. 901. An act to provide for a comprehensive, long-range, and coordinated national program in oceanography, and for other purposes;

S. 962. An act to amend the Federal Aviation Act of 1958, as amended, to aid the Civil Aeronautics Board in the investigation of aircraft accidents, and for other purposes;

S. 3177. An act for the relief of Michael (Mike) Bessler;

S. 3240. An act for the relief of Mrs. Lee Ma Chin-Ying;

S. 3279. An act for the relief of Yet Gee Moy (Tsze Woo Lai) and Mee Sen Moy (Sau Ming Lai);

S. 3338. An act to incorporate the American Symphony League;

H.R. 4034. An act for the relief of Lt. Comdr. David V. Kyrklund;

H.R. 4670. An act to amend the law relating to indecent publications in the District of Columbia;

H.R. 6386. An act for the relief of Cleo A. Dekat;

H.R. 8181. An act to authorize the construction of a National Fisheries Center and Aquarium in the District of Columbia and to provide for its operation;

H.R. 8321. An act for the relief of Maj. Clara May Matthews;

H.R. 8662. An act for the relief of Jose Fuentes;

H.R. 9128. An act for the relief of Sergeant Ernest L. Aguilar;

H.R. 9199. An act for the relief of certain officers and enlisted personnel of the 1202d Civil Affairs Group (Reinf Tng), Fort Hamilton, Brooklyn, N.Y.;

H.R. 9804. An act for the relief of Cuyahoga County, Ohio;

H.R. 9894. An act for the relief of Loretta Shea, deceased, in full settlement of the claims of that estate;

H.R. 10415. An act for the relief of Earl T. Briley;

H.R. 11334. An act for the relief of Mary J. Papworth;

H.R. 11665. An act to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes;

H.R. 12090. An act for the relief of James Comeau;

H.R. 12539. An act for the relief of Leslie O. Cox and other employees of the Federal Aviation Agency;

H.R. 12701. An act for the relief of Catalina Properties, Inc.;

H.R. 12936. An act for the relief of Kenneth E. Foussé and others; and

S.J. Res. 214. Joint resolution authorizing the President of the United States to designate the period from November 26, 1962, through December 2, 1962, as National Cultural Center Week.

SUMMER RECESS

Mr. McGEE. Mr. President, I remember the interest that both Senators have had in a subject that I had hoped to present to the Senate later, but I must do so now because of my necessary departure a little later this evening. That is the summer recess resolution that I have been advocating in this body for a considerable period of time.

The hour is late as we pay tribute to two of our retiring colleagues. One saving grace about being here this late is that it has given us an opportunity to serve longer with these gentlemen.

It should also focus attention on another point, and that is in these very difficult times we will never be through with the business of the Senate at any given time on the calendar. The sooner we come face to face with that harsh fact of our legislative responsibilities, the sooner can we adjust our tempo to coincide with the requirements that are being made upon us.

Mr. President, with a little uneasiness I will venture the statement that the 87th Congress is about to adjourn. Never in the history of the preceding 86 Congresses has there been so much conjecture about adjournment. From the middle of the summer on we have heard guesses, predictions, explanations, excuses, and bewildered speculation about when, if ever, the two bodies of Congress will wind up their affairs.

This statement is not made in criticism of the pace of this Congress nor any of its Members. I, for one, believe we have accomplished a great deal in this session. We have fulfilled our obligations to deliberate on the Nation's future. Such an obligation, in today's world of constantly changing international tensions, of overnight technical revolutions, and increasing complexity in day-to-day living, cannot be accomplished in a hurry. Indeed I think we would be remiss in our duties if we hurried through the calendar in order to be out of Washington before the advent of "dog days."

Mr. President, this session of Congress has demonstrated, as no amount of argument could, that legislating for the most powerful Nation on earth during the most complex and troubled times in history is a full-time job. It is time to stop kidding ourselves. It is pointless to work toward a summer adjournment. The facts of legislative life will just not permit it.

Therefore, I hereby announce again that as soon as the new Congress gets underway in January 1963, I intend to press my summer recess resolution.

This resolution, which I am proud to say has 32 cosponsors, calls for a summer recess on June 30 and a return to Senate business early in October. The return could be delayed during election years to permit those standing for reelection more time in their States. The real point of this resolution would be the acknowledgment that we have a full-time job and thus eliminate the "go-home" pressure that makes its appearance here about Labor Day.

The resolution would give Members time to visit their States with their families. One-half the Members of this body have school-age children from whom they are separated for several months of each year under the current procedure. Staff members, whose children number over 600, also suffer the same separations.

This resolution would end the current frustrations brought on by our inability to make the calendar conform to our duties. But more important, it would be recognition of a problem that needs a permanent solution.

The Reorganization Act of 1946, under whose rules we operate, provides for adjournment on July 31. It would be helpful if only we could agree to live up to that statute.

I have recently attached my name, as cosponsor to Senate Concurrent Resolution 93 which would set up a joint committee of the organization of Congress. This is a much needed step for the adjustment of our operating rules for greater efficiency in light of the vast increase in our workload. I believe that my resolution is compatible with Senate Concurrent Resolution 93 and indeed is a part of any mandate for an organizational committee.

I would suggest that the resolution I shall introduce early next session be the starting point for the consideration of the procedures by which we can make our schedules and our workload conform.

In fact it has become apparent that a constitutional amendment, similar to the one which ended the "lame duck" sessions, is in order. Such an amendment would not only provide for year-round sessions of Congress, with suitable

recess during the summer months, but could make useful the time now wasted between the election of a new Congress and its convening in January by moving the latter date to mid-November.

Mr. President, we are legislating in the space age. This is an age which has reduced time and distance by unbelieveable achievements. We, who must provide guidance and direction for the most important nation in that age, must utilize our time to the fullest.

Now, to recap what I proposed to do:

First. Try to mobilize congressional opinion in support of a summer recess.

Second. Reach agreement on at least adhering to Reorganization Act of 1946 which calls for recess no later than July 31.

Third. Introduce an amendment to the Constitution which would convene the new Congress and each succeeding session as soon after the traditional November election dates as feasible.

SYLVIA PORTER STATES THE CASE FOR EQUAL PAY FOR WOMEN

Mrs. NEUBERGER. Mr. President, Wednesday night the Senate took a giant step toward the completion of a task which was begun with the passage of the 19th amendment. Its acceptance of the Equal Pay Act of 1962 assures women for the first time of an equal wage for equal labor.

Sylvia Porter, the noted and perceptive financial analyst, commented upon the fate of women as "second-class workers" in an article appearing in the Oregon Statesman, October 1, 1962.

The article contrasted the U.S. leadership in democracy with its backwardness in the treatment of women. I quote:

> So the great United States, leading Republic and democracy of the world, remains among the backward nations in its attitude toward women in the labor marketplace, not even recognizing on a national level the justice of equal pay for men and women doing work of equal type and value.

In her article, Miss Porter makes a compelling and eloquent case for just such legislation as the Senate has passed.

I ask unanimous consent that the article entitled "Women 'Second Class' Workers" appear at the close of my remarks.

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

WOMEN "SECOND-CLASS" WORKERS

(By Sylvia Porter)

NEW YORK.—For the 18th consecutive year the Congress of the United States has considered and shelved legislation to require employers to pay women the same rates as men for identical or comparable work.

The Equal Pay Act of 1962 got further than any previous effort "to prohibit discrimination on account of sex in the payment of wages," though. For the first time in history an equal pay bill actually was passed by one of the Houses of Congress: the date was July 25, the place, the floor of the House of Representatives. Admittedly, the House passed the bill in a frivolous mood, amended it so that it would have permitted employers to cut the pay of men to equalize the pay of women. But at least H.R. 11677 reached a Senate subcommittee before getting the usual treatment—sudden death.

So the great United States, leading republic and democracy of the world, remains among the backward nations in its attitude toward women in the labor marketplace, not even recognizing on a national level the justice of equal pay for men and women doing work of equal type and value.

There are 24 million women in the U.S. workforce today, one-third of all workers and before this decade ends, the female workforce will be at the 30 million mark. Women have penetrated just about every occupational group, ranging from the most demanding scientific work to the least demanding service work. The average age of women workers today is 40 against an average age of 26 in grandmother's day and more than half of all women workers are married. Women constitute one-third of all college graduates, one-third of all who hold master's degrees as well as one-third of the labor force.

Yet, only 22 of our States have laws requiring equal pay for comparable work, many of these State laws are of dubious effectiveness and Congress has once again seen to it that there is no Federal equal pay law. As a result, the discrimination on pay scales because of sex continues painfully obvious.

One-third of 1,900 companies surveyed by the National Office Management Association last year frankly reported a double-standard pay scale for male and female officeworkers. In one plant in Utah studied by the Young Women's Christian Association, the hiring rate for women inspectors is $1.38 an hour, for men, $1.48 an hour and the differential rises to 34 cents as they move up the experience ladder—even though, as Miss Ruth Thomson of the YWCA told a House subcommittee, "they are required and expected to do exactly the same job under the same conditions."

Another survey of bank tellers' salaries in 1960 disclosed that women tellers with under 5 years of experience typically average $5 to $15 a week less than men in the same group—and in a bank a teller is a teller, regardless of sex. Among college graduates the differences in average salaries for men and women, when compared by occupation and type of degree, range from $290 to $1,560 a year, all in favor of men. In fact, the gap widens as education levels rise because of the barriers to promotion of women.

The evidence of discrimination is overwhelming and no one denies it. In her testimony before the House subcommittee, Mrs. Gladys A. Tillett, a U.S. representative to the United Nations Commission on the Status of Women, submitted data that should make any American, man or woman, blush, for we're behind even some of the most underdeveloped lands on writing this principle into law. Japan put the equal-pay-for-equal-work principle into its constitution in 1946, Burma did it in its constitution in 1947, India in 1949, Indonesia in 1950, Vietnam in 1952, Thailand in 1956.

The explanations for our persistent failure to recognize the validity of this principle are a hodge-podge of pocketbook, prejudice, tradition and fear. Many employers are openly hostile to the action because they fear their payrolls would be hiked overnight if women's wages were the same as men's for identical work. The prejudices and traditions need no comment; you know them.

The YWCA's Miss Thomson summed it up superbly when she said to the House subcommittee:

"Is this because we want to say to the world that we hold women's work to be less valuable than that of men's? This is hardly conceivable. I prefer to believe that it merely signifies that we have just not yet caught up with ourselves." We certainly have not.

TEMPORARY SUSPENSION OF DUTIES ON CORKBOARD INSULATION AND ON CORK STOPPERS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 2009, House bill 12213, to provide for the temporary suspension of the duties on corkboard insulation and on cork stoppers.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H.R. 12213) to provide for the temporary suspension of the duties on corkboard insulation and on cork stoppers.

EXPENDITURES AND THE DEFICIT

Mr. ROBERTSON. Mr. President, regardless of whether this Congress adjourns sine die tomorrow night or continues into next week, we already know that it will achieve the record—enviable or not—of being the largest peacetime spender in history. We now have an estimate that we shall have authorized the expenditure of $94 billion; but the estimate of revenues has dropped from $93 billion to $85.9 billion—which will give us an estimated deficit of $8.1 billion in the period of our greatest gross national product and the largest produced income, and will push the national debt to the all-time high of more than $300 billion.

Mr. President, on January 18 of this year the President submitted to the Congress his budget for the fiscal year ending June 30, 1963. In his message accompanying his budget the President said:

> This is the first complete budget of this administration. It has been prepared with two main objectives in mind:
>
> First, to carry forward effectively the activities—ranging from defense to postal services, from oceanographic research to space exploration—which by national consensus have been assigned to the Federal Government to execute.
>
> Second, to achieve a financial plan—a relationship between receipts and expenditures—which will contribute to economic growth, high employment, and price stability in our national economy.

Mr. President, the Congress is in the final stages of completing its action on the budget submitted to it by the President; and I think that it is appropriate to comment on the two objectives on which the budget for the fiscal year 1963 was prepared.

The budget is implemented largely by appropriations included in the regular and supplemental appropriation acts considered by the Appropriations Committees of the Senate and House of Representatives. During this session of Congress, the regular appropriation bills and one supplemental bill for fiscal year 1963 have been considered. Of course, the 1st session of the 88th Congress will have to consider one or more additional supplemental appropriation bills.

Mr. President, the budget estimates—the requests from the executive branch for appropriations—considered in connection with these 13 bills total $96,255,-

130,686. Final action has been taken on 10 of these bills, in which the Congress has made reductions totaling $2,821,-901,000. It is reasonable to assume that in acting on the remaining 3 bills, reductions totaling $1,200 million will be made, to give us a total reduction of approximately $4 billion.

Mr. President, I am confident that the Congress has provided adequate funds for the realization of the President's first goal; namely, to carry forward efficiently the activities * * * which by national consensus have been assigned to the Federal Government to execute. It is up to the executive branch to use these funds efficiently in obtaining the fulfillment of this objective; and I urge them to do so.

Let us now turn to the second objective of the President's budget—"to achieve a financial plan—a relationship between receipts and expenditures—which will contribute to economic growth, high employment, and price stability in our national economy." Mr. President, it is not news to any Member of this body when I say, "We are not going to obtain this objective."

On a cash basis, the President's budget was based on receipts of $93 billion and expenditures of $92.5 billion, with a surplus of $500 million. In discussing his estimated receipts of $93 billion, the President said:

> These receipts estimates are based on the expectation that the brisk recovery from last year's recession will continue through the coming year and beyond, carrying the gross national product during calendar 1962 to a record of $570 billion.

Of course, Mr. President, the fact is that the state of our economy is not that rosy; and a more realistic estimate of the gross national product for calendar year 1962 is in the neighborhood of $555 to $558 billion. Even that will be an all-time high.

The professional staff of the Senate Committee on Appropriations has prepared at my request, after consultation with the Bureau of the Budget and the staff of the Joint Committee on Internal Revenue, a revised estimate of receipts for the fiscal year 1963 of $85.9 billion. This estimate takes into consideration the status of the Nation's economy and the effect on receipts of the revision of the depreciation schedules and the pending tax legislation.

Mr. President, this decrease in estimated receipts is alarming; but it is even more alarming when we look at estimated expenditures for the fiscal year 1963. The President's budget is based on expenditures of $92.5 billion. However, the professional staff of the Senate Committee on Appropriations, after consultation with the Bureau of the Budget, estimates that expenditures will total $94 billion during the fiscal year 1963. Based on these revised estimates, it is clear that the fiscal year 1963 will not be a "surplus" year, but will run a deficit in the neighborhood of $8.1 billion.

There are times when deficits are not quite so disturbing—such as during all-out war or major depressions. But just as there are times when deficits are not too disturbing, there are also times when the lack of surplus is disturbing. Mr. President, I submit that the present conditions in our Nation and the conditions in the country during the preceding 2 fiscal years call for a surplus, rather than deficits.

I ask unanimous consent to have included in the RECORD a tabulation of surpluses or deficits, by fiscal years, and the public debt for the period, 1789 to 1963.

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

Budget totals and public debt, 1789–1963

[In millions of dollars]

Fiscal year	Budget receipts	Budget expenditures	Surplus (+) or deficit (−)	Public debt at end of year
1789–1849	1,160	1,090	+70	63
1850–99	13,895	14,932	−1,037	1,437
1900	567	521	+46	1,263
1901	588	525	+63	1,222
1902	562	485	+77	1,178
1903	562	517	+45	1,159
1904	541	584	−43	1,136
1905	544	567	−23	1,132
1906	595	570	+25	1,143
1907	666	579	+87	1,147
1908	602	659	−57	1,178
1909	604	694	−89	1,148
1910	676	694	−18	1,147
1911	702	691	+11	1,154
1912	693	690	+3	1,194
1913	714	715	[1]—	1,193
1914	725	725	[1]—	1,188
1915	683	746	−63	1,191
1916	762	713	+48	1,225
1917	1,100	1,954	−853	2,976
1918	3,630	12,662	−9,032	12,455
1919	5,085	18,448	−13,363	25,485
1920	6,649	6,357	+291	24,299
1921	5,567	5,058	+509	23,977
1922	4,021	3,285	+736	22,963
1923	3,849	3,137	+713	22,350
1924	3,853	2,890	+963	21,251
1925	3,598	2,881	+717	20,516
1926	3,753	2,888	+865	19,643
1927	3,992	2,837	+1,155	18,512
1928	3,872	2,933	+939	17,604
1929	3,861	3,127	+734	16,931
1930	4,058	3,320	+738	16,185
1931	3,116	3,577	−462	16,801
1932	1,924	4,659	−2,735	19,487
1933	1,997	4,598	−2,602	22,539
1934	3,015	6,645	−3,630	27,053
1935	3,706	6,497	−2,791	28,701
1936	3,997	8,422	−4,425	33,779
1937	4,956	7,733	−2,777	36,425
1938	5,588	6,765	−1,177	37,165
1939	4,979	8,841	−3,862	40,440
1940	5,137	9,055	−3,918	42,968
1941	7,096	13,255	−6,159	48,961
1942	12,547	34,037	−21,490	72,422
1943	21,947	79,368	−57,420	136,696
1944	43,563	94,986	−51,423	201,003
1945	44,362	98,303	−53,941	258,682
1946	39,650	60,326	−20,676	269,422
1947	39,677	38,923	+754	258,286
1948	41,375	32,955	+8,419	252,292
1949	37,663	39,474	−1,811	252,770
1950	36,422	39,544	−3,122	257,357
1951	47,480	43,970	+3,510	255,222
1952	61,287	65,303	−4,017	259,105
1953	64,671	74,120	−9,449	266,071
1954	64,420	67,537	−3,117	271,260
1955	60,209	64,389	−4,180	274,374
1956	67,850	66,224	+1,626	272,751
1957	70,562	68,966	+1,596	270,527
1958	68,550	71,369	−2,819	276,343
1959	67,915	80,342	−12,427	284,706
1960	77,763	76,539	+1,224	286,331
1961	77,659	81,515	−3,856	288,971
1962 (estimated)	82,100	89,075	−6,308	294,703
1963 (estimated)	93,000	92,537	+463	294,920

[1] Less than $500,000.

NOTES

Refunds of receipts are excluded from budget receipts and budget expenditures starting in 1913; comparable data are not available for prior years.

Certain interfund transactions are excluded from budget receipts and budget expenditures starting in 1932. For years prior to 1932 the amounts of such transactions are not significant.

The change in the public debt from year to year is not necessarily the same as the budget surplus or deficit, as explained on p. 56.

THE UNITED STATES IS PAYING FOR SOVIET SPIES

Mr. DODD. Mr. President, 2 days ago—on October 3—I took the floor, to call the attention of my colleagues to the fact that, in the face of the persistent record of Soviet espionage via the United Nations, Secretary General U Thant had contracted to establish in Moscow a training school for prospective Soviet employees of the United Nations, to be paid for out of U.N. funds.

The sum involved for 2 years is $201,-200, of which the United States will pay $64,424.

The Soviet Union will pay only $35,-139.

I urged that the State Department formally demand a vote of censure of the Soviets for their provocative and conscienceless utilization of the United Nations for espionage purposes; and I urged, further, that we back up this demand by presenting to the General Assembly a documented summary dealing with the cases of the 17 Soviet citizens, most of them employees of the U.N., but some of them members of the Soviet delegation, who had been caught in the act of spying against the United States.

Finally, I warned that if the proposed funds for the U.N.'s Moscow training school were approved, such action would raise such serious doubts in my own mind about the wisdom of continuing financial support to the U.N. that I would feel constrained to raise the matter for reconsideration as soon as the new Congress convenes in January.

I am happy to inform my colleagues that on the day after I made my statement in the Senate, the distinguished Senator from Colorado [Mr. ALLOTT], speaking for the U.S. delegation to the U.N. registered the strong disapproval of this Government of the contract that Secretary General U Thant had concluded with the Soviets.

In assailing the contract in the Assembly's Advisory Committee on Administrative and Budgetary Questions, the Senator from Colorado said:

> What really concerns us is that the Secretary General is forced to go the length of entering into this unusual arrangement—and to commit funds to it—in order to secure language experts from a member state like the Soviet Union. Surely the Soviet Union is not a country which requires United Nations technical assistance to train language experts for United Nations service * * * and surely the costs involved in running this program are ruble costs and do not require the expenditure of foreign exchange.

Presumably under instructions from the State Department, the Senator from Colorado refrained from voting on the item; and it was overwhelmingly approved by the Committee. As matters now stand, therefore, we are committed to pay one-third of the cost for this training program for prospective Soviet U.N. employees—or, to be more exact, we are being called upon to foot the bill for the training of future Soviet espionage agents who will shortly come to our country, cloaked in U.N. diplomatic immunity.

I submit, Mr. President, that this is an outrageous situation; and I have today sent to the Secretary of State a letter urging, among other things, that the United States refuse financial support for this item in the U.N. budget.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the text of an article which appeared in today's issue of the Baltimore Sun, together with the text of my letter to Secretary Rusk.

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

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
October 5, 1962.

The SECRETARY OF STATE,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: In the face of the persistent and conscienceless use of the U.N. by the Soviet Union for purposes of espionage against the United States, I wish to propose that the American delegation formally raise this matter in the General Assembly; present the General Assembly with a documented summary covering the 17 Soviet citizens who have been caught participating in such espionage; and request that the General Assembly censure the Soviet Union for abusing the hospitality of the United States and for thus recklessly endangering the prestige and reputation of the United Nations.

I believe that somehow we must find a way of facing up to this problem, because nothing will more rapidly destroy the confidence of the American public in the U.N. than the continuation of Soviet espionage via its U.N. personnel, on the wholesale scale of recent years.

I also wish to protest against the Secretary General's commitment to use U.N. funds to pay for a prospective training program in Moscow for Soviet language experts to be employed by the U.N. I wish to protest, particularly, over the fact that the United States will be called upon to pay its traditional share of U.N. operations, which in this case would amount to $64,424 over a 2-year period. I note with satisfaction that Senator GORDON ALLOTT, speaking for the U.S. delegation, assailed this plan at the meeting of the Budget Committee yesterday. But, apparently under instructions from the State Department, he abstained from voting, so that now we are committed to the project.

I respectfully urge, Mr. Secretary, that the United States refuse to contribute to the financing of this project.

In support of my recommendations, I enclose copies of my statements on the subject, the first one made on the floor of the Senate on Wednesday, October 3, the second one prepared for delivery today.

With all best wishes,
Sincerely,

THOMAS J. DODD.

[From the Baltimore Sun, Oct. 5, 1962]

U.S. HITS U.N. JOB TRAINING—PLAN CALLS FOR RUSSIA TO TRAIN TRANSLATORS

(By Paul W. Ward)

NEW YORK, October 4.—The U.S. Government belatedly registered official disapproval here today of a contract that U Thant, the United Nations chief executive, made with the Soviet Government last March 28.

The contract, in effect since that date, provides for the training in Moscow of Soviet nationals to take jobs here as United Nations interpreters or translators at the rate of 22 a year.

It also provides that the expense of the operation be shared by all the world organization's members, including the United States, which must pay 32.02 percent of the total bill, or nearly twice as much as the Soviet Union (17.47 percent).

DENOUNCED BY DODD

Washington's disapproval was voiced in the General Assembly's 108-member Budgetary Committee by Senator ALLOTT, Republican, of Colorado, less than 24 hours after Senator DODD, Democrat, of Connecticut, speaking in the U.S. Senate's debate on a $100 million appropriation to buy U.N. bonds—had denounced Thant's project as one for "training prospective Soviet spies against the United States."

The critique the State Department allowed the Colorado Republican to voice in his maiden speech as a U.S. delegate here was also the first the Kennedy administration has ever directed publicly at Thant, whom it is touting for election this fall to a full 5-year term as the United Nation's Secretary General.

Senator ALLOTT was, however, confined to voicing "concern" in Washington's behalf about Thant's contract with the Kremlin and not allowed to press the issue to a vote.

REQUEST APPROVED

In consequence, Thant's request for $101,200 to pay the staff and students at the Moscow school this year was approved by the committee with Senator ALLOTT recording an "abstention" and all the other committee members preesent giving tacit assent.

None seconded the U.S. delegate's critique or otherwise took heed of Senator DODD's warning yesterday that, if Thant's request were approved here, it would raise such serious doubts in my mind about the wisdom of continuing financial support to the United Nations that I would feel constrained to raise the matter for reconsideration as soon as Congress reconvenes in January."

Senator DODD, who stressed that he had voted to have the United States absorb half the United Nations' $200 million bond issue, keyed his speech to the Sunday Sun's September 30 publication of the details of Thant's contract with "the Moscow Pedagogical Institute for Foreign Languages."

RIGHT TO BE CONSULTED

He also appended to it a Justice Department list of 16 Soviet nationals expelled from the United States in recent years for engaging in espionage while stationed here either as United Nations employees or as Soviet delegation attachés.

In addition, he called upon the State Department and the U.S. delegation, which Adlai E. Stevenson heads here, to "monitor the United Nations expenditures more closely" and also "make abundantly clear" to Thant that, since the United States pays roughly a third of the world organization's operating expenses, "we have a right to be consulted" in advance of his undertaking projects like the one in Moscow.

Albert F. Bender, Jr., a senior adviser on Stevenson's staff, is a member of the Assembly's Advisory Committee on Administrative and Budgetary Questions which Thant had consulted before entering into the contract last March and again before asking for the $101,200 appropriation approved today and, yet again, before including a $100,000 appropriation request for the same purpose in his budget for 1963.

COMPLAINT MADE

On Wednesday Bender protested the Sunday Sun's identification of him as the U.S. representative on that Committee, which at no point raised any objection to Thant's Moscow project.

Bender said that, like all the Committee's 11 other members, including A. F. Sokirkin, of the Soviet Union, he sits in his individual capacity as an expert.

Yesterday he had to resume his role as a U.S. representative in the Budgetary Committee and, as such, ask Bruce Turner, the United Nations controller, for a detailed explanation of Thant's Moscow training school project.

Bender, who referred to it as "this unusual program," got in reply from Turner the same explanation Thant previously had made to the 12-man Advisory Committee.

BECAUSE OF OUR CONCERN

Displacing Bender in the Budgetary Committee today, Senator ALLOTT rose to say—after a whole set of Thant's supplementary appropriation requests for the current year, including the one for Moscow's training school, had been approved en bloc—that "we abstained because of our concern" about that particular $101,200 item.

"We recognize the obligation imposed on the Secretary General to secure (a) trained language staff * * * (and) we respect his judgment that the program in question is the most efficient and economical open to him," the Colorado Republican asserted, adding:

"What really concerns us is that the Secretary General is forced to go the length of entering into this unusual arrangement—and to commit funds to it—in order to secure language experts from a member state like the Soviet Union. Surely the Soviet Union is not a country which requires United Nations technical assistance to train language experts for United Nations service * * * and surely the costs involved in running this program are ruble costs and do not require the expenditure of foreign exchange."

TREATED AS FINANCIAL ISSUE

Still treating the issue as solely a financial one, Senator ALLOTT continued:

"The controller has characterized this program as imaginative. I will not say that he is wrong but simply that perhaps my imagination is better than his. I can imagine the Soviet Government paying the entire cost of this program so that no United Nations financial contribution would be required."

But "we are also concerned," the U.S. delegate asserted, "that this action may set a precedent for a pattern of future action which we would regret. We realize that the Secretary General is committed to this program for the present. We sincerely hope that the entire matter will be reviewed and reassessed before the 1964 budget estimates are prepared (a year hence)."

Sokirkin retorted that the Soviet Union is not in need of any "technical assistance" from the United Nations and that the contract it has made with Thant is beneficial, instead, to the world organization.

He and Senator ALLOTT were the only participants in today's committee meeting to speak for or against that contract. Thant himself made no mention of it in a long statement he presented at the meeting's outset today.

Sokirkin and his Communist coadjutors from Eastern Europe concentrated their fire on Thant's request for a "supplementary" appropriation of $11,000 to cover the 1962 pay and expenses of Sir Leslie Munro, a New Zealander, as the Assembly's "special representative on the question of Hungary."

They forced a separate vote on that item by way of demonstrating their hostility to Sir Leslie, and the result was 41 to 18 in favor of the $11,000 appropriation with 19 members abstaining and 30 marked absent.

The vote on the bloc of $295,000 "supplementary" appropriations, including the one for the Moscow training school, was 67 to 0 with 11 abstentions. Since there was no rollcall only the U.S. abstention was officially attributable to Thant's contract with the Kremlin.

Thant concentrated on trying to fix the committee's attention on the threat of financial bankruptcy hanging over the world's chief peacekeeping organization.

As of August 31, its "unpaid obligations"—$104,600,000 including accounts payable and $37,100,000 in borrowings from funds set up for other purposes—exceeded its "net cash resources" by $106,400,000 he said.

EMPHASIZES POINT

He also estimated that by this year's end the organization's "unpaid obligations" will have risen to $224 million.

He stressed that these figures do not include allowance for the debt accruing to the United Nations as a result of its bond sales. Nor does the budget, calling for net expenditures of $71,825,700, which he has submitted for next year.

Representing an increase of $3,700,000 over the organization's 1962 budget, the one for 1963 stands to have added to it before the year's end some $4,500,000 to cover amortization of the United Nations bond issue.

Forty-seven of the organization's 108 members as of yesterday had committed themselves—along with 4 nonmembers, West Germany, Kuwait, Switzerland, and South Vietnam—to buy $73,505,257 worth of the bonds.

The United States is commited, in turn, to match their aggregate purchases, once the House of Representatives approves the $100 million appropriation the Senate voted for that purpose yesterday.

The world organization is similarly commited to cease by December 31 its attempts to sell up to $200 million worth of the bonds, to pay 2 percent interest on them and to begin retiring them in 1963 at the initial rate of 3.1 percent a year.

"Due largely to the bond issue, the organization's cash difficulties have been, at least temporarily, overcome," Thant told the Assembly's Budgetary Committee today.

It would be a grave mistake to conclude, however, that the financial crisis, in the shadow of which the United Nations has uneasily existed these past few years, has somehow miraculously evaporated.

On the contrary, it is all too clear as matters now stand that, even assuming the most favorable developments, particularly in the Congo, there will be only the most limited possibility by 1963 of meeting ongoing costs of any major peace-keeping operation while liquidating past indebtedness.

Meanwhile, there were these additional developments here.

1. Speaking in todays' round of the Assembly's annual general debate, Frank Aiken, Ireland's Foreign Minister, dwelt at length upon the organization's financial peril and wound up by suggesting that—as a last resort—the Assembly annually "empower our Secretary General * * * to borrow * * * up to the full amount of the cost of implementing all the decisions of the United Nations in that year."

2. With Nationalist China's member abstaining, the Security Council voted 10 to 0, to nominate the People's Republic of United Nations lineup and, thereby, started a movement that, scheduled for completion by the Assembly Monday, will increase by one the number of members advocating Communist China's admission to membership.

3. President Osvaldo Dorticos, of Cuba, paid a ceremonial visit to Thant's headquarters and arranged to shift his scheduled speech before the Assembly Monday from afternoon to morning and thereby avoid interference with the induction ceremonies in Algeria's behalf that are slated for later that day.

4. Stage managers for the Assembly's main 108-member committee, which is to hold its first meeting of the current session tomorrow afternoon, promoted behind scenes a compromise formula which they hope will prevent an East-West procedural clash at the outset.

The formula would give the atomic tests issue first place on the committee's business calendar and, assigning general and complete disarmament to second position, would allot third place to Moscow's avowedly anti-American proposal for Assembly condemnation of propaganda favoring preventive war.

It would also require the United States to swallow its objections to according that Soviet proposal treatment as other than part of the whole disarmament issue. It would require, in addition, that the Kremlin reciprocate by entering into a gentlemen's agreement not to let Sovie-bloc delegates exploit the war propaganda item during the prospective debates on nuclear tests and disarmament.

SUPPORT FOR TRANSIT BILL

Mr. WILLIAMS of New Jersey. Mr. President, I regret very much that the Congress has not seen fit to give approval this year to the administration's urban transit bill, which I sponsored with 21 other Members of both sides of the aisle.

This modest piece of legislation is an urgent necessity if we are to cope with rising tide of traffic congestion and the steady decline and deterioration of rail and bus transit service in our urban areas. I am confident that the measure will ultimately prevail as the urgency of this problem becomes more evident.

To document the attitudes of New Jersey toward this legislation, I ask unanimous consent that editorials from several of the leading newspapers of my State and another publication be printed in the RECORD at this point.

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

[From the New Brunswick (N.J.) Daily Home News, Sept. 25, 1962]

URBAN DWELLERS ARE TOO PATIENT

How long, Mr., Mrs., or Miss Commuter, will you sit in a traffic jam before you are angry enough to write your Congressman about it?

How long will you endure a 3-hour trip to the shore, swim an hour on a busy summer weekend, and then endure another 3 hours—most of them in slow-moving traffic—getting home?

How long will you keep your own temperature down while your auto boils over waiting in a line of stagnating traffic on some viaduct or inside or at either end of the Holland or Lincoln Tunnel?

U.S. Senator HARRISON A. WILLIAMS, JR., Democrat, of New Jersey, wondered about these questions in a talk to New Jersey newsmen the other night. Frankly he does not know the answers.

But he does know that the same reluctance to complain to Congress about urban traffic jams exists in Chicago, Los Angeles, or wherever more people wanting to get from place to place far exceed the transit systems that should be helping them move around an urban region.

He has tried throughout this drawn-out session of Congress to get enough steam up to win approval for his $500 million, administration-backed transit bill to help untangle mass transit messes such as are progressively strangling places like the New York metropolitan region.

But it's no soap.

The votes he has needed in Washington have not been there because Congressmen and Senators from similarly affected metropolitan regions around the country have heard nothing from their constituents on the matter. Commuters apparently won't even drop a note in a mail box, even if they sit by one an hour at a time in a traffic jam.

Earlier this year WILLIAMS' staff had 1,000 letters a week from people who didn't like legislation that would have required a firm to withhold taxes on dividends before the dividend checks were mailed out. These people did not realize they pay the tax anyway; they just wanted to get the money in their hands at least before they paid same back to Uncle Sam.

That steamed them up and the measure was defeated. It takes that kind of push into every legislator's office on the Hill to get action.

But the letterwriters in the Nation's burgeoning metropolitan areas are not writing about time-consuming traffic jams and creaking railroad systems. WILLIAMS sees little chance to get action on his bill this session and promised only to try again next year.

Last year's $50 million program helped provide money for the upcoming New Brunswick demonstration project which involves a second commuter-only rail station off Jersey Avenue. This may prove that commuters will forsake crowded highways and ride trains if they can park their cars free at the station.

WILLIAMS says much more can and must be done to solve an urban area's transit problems, but he has no idea how to fire up popular support if almost daily traffic jams won't do it.

[From the Newark (N.J.) Star-Ledger, Oct. 1, 1962]

DELAYED AGAIN

Efforts to mount a fresh attack on the urban commuter transit mess suffered a setback by the failure of Congress to enact the transportation measure put forth so hopefully by the Kennedy administration and pushed so energetically by New Jersey's Senator WILLIAMS.

The consensus is that it would take something tantamount to a "miracle" to get the bill through the House and Senate this year. And there appears to be no "miracle" forthcoming.

The measure would provide Federal financial assistance to start the wheels moving in some new directions for giving the commuter a better break. In so doing, it should be noted, more than the commuter would be getting a break. The future prosperity and well-being of the great metropolitan areas of the Nation are, in substantial measure, dependent on solving what commonly is described as the "commuter crisis."

Failure to enact the measure at this session has been particularly serious, because local programs have, to varying degrees, been held up pending the outcome of action in Washington.

New Jersey, for instance, has a $6-million-a-year program of aid to commuter railroads—merely to keep service from further deterioration. If this money could be used as matching funds under a Federal assistance program, the State certainly could expand its horizons far beyond the current limitations.

It appears now that the best that can be done is to start planning for another try next year. Let's hope that efforts this year at least have paved the way for speedy action the next time around.

[From the Bergen (N.J.) Evening Record, Sept. 21, 1962]

THE LAST EFFORT FOR TRANSIT AID

One word, "amen," is all that needs to be said about Senator WILLIAMS' plea on the Senate floor for the administration's $500-million mass-transit legislation:

"A little money will go a long way. But that little money is absolutely essential. Plans and studies we have had plenty of.

The missing ingredient is and always has been money.

The legislation contemplates Federal seed money grants so called in the amount of $100 million the first year of the program and $200 million each of the next 2 years. As highway construction money goes these days, that's peanuts. Why, it would cost something on the order of $100 million to build a mile or so of superhighway in Manhattan. But Mr. WILLIAMS is talking about gap money—the few millions that make a difference between starting work on a transit project, a rail or bus or rapid-transit project, and with a shrug locking the plans in a pigeonhole. He can see ways in which Federal money totaling only $16.5 million would enable a $50-million transit project like the 12-mile line between Philadelphia and its Camden suburbs recently projected by the Delaware River Port Authority through use of surplus funds. Not every area has a port authority. Not all port authorities have surpluses to use. In San Francisco, where the voters are to decide in November on a $790-million rapid-transit program, it is calculated gap money in the amount of $20 million a year over 10 years would produce a $600 million saving to taxpayers in bond principal and interest, traffic control costs, and the like.

Mr. WILLIAMS is going to have heavy going in the conservative blocs of both parties. They are not convinced that his definition of urban areas qualifying for help is strict enough to prevent a smalltown mass attack on the Federal money. They are not convinced that publicly assisted transit is necessary, despite his insistence that free enterprise transportation needs help and would get it; some 145 transit companies have abandoned service in the last 7 years, and 60 cities of 25,000 population or more have no public transportation whatever. Senator WILLIAMS is making an eloquent case. But it may be that here again we shall have to wait for the kind of eloquence which is crisis or catastrophe.

[From the Trainman News, Oct. 1, 1962]

DETERIORATION

It appeared at presstime that the administration's $500 million mass transit bill would die on the vine, so to say, for lack of affirmative action in this session of Congress.

The measure, designed to pump new life into the Nation's metropolitan commuter systems, was approved some time ago by the Senate Banking Committee and only recently was sent back to the Senate Commerce Committee in a move engineered by Senator FRANK J. LAUSCHE, Democrat, of Ohio.

Several days ago, the Commerce Committee reported out the bill, but without recommendation.

And there it was.

"Too many of our legislators have no sense of urgency at all about the stakes involved," declared Senator HARRISON A. WILLIAMS, JR., Democrat, of New Jersey, who introduced the bill and has battled for enactment.

"If this bill does go down, we will have wasted another year and done nothing to keep our deteriorating metropolitan commuter systems from deteriorating still more," he said.

FREEDOM OF COMMUNICATIONS SUBCOMMITTEE AVAILABLE TO SERVE ALL PARTIES AND CANDIDATES

Mr. YARBOROUGH. Mr. President, on September 12, 1959, Senator WARREN MAGNUSON, chairman of the Committee on Interstate and Foreign Commerce, announced the appointment of a Subcommittee on Freedom of Communications. This was done pursuant to statements in debate on the floor of the Senate on the 1959 amendment of the equal-time provision of the Federal Communications Act in response to inquiries from Senators as to what safeguards there would be if the former equal-time provisions of the Federal Communications Act were amended as was being proposed and as was done in 1959.

The subcommittee appointed by the chairman of the Interstate and Foreign Commerce Committee was composed of Senator GALE MCGEE, Senator HUGH SCOTT, and me. Senator MAGNUSON said at that time:

> It will be the duty and function of this subcommittee to insure freedom, fairness, and impartiality in the treatment of news by media operating under Government license. The subcommittee will receive information and complaints concerning the operation of communications media. In this sense, the subcommittee will be a watchdog subcommittee.

The subcommittee was set up originally as a subcommittee of the Committee on Interstate and Foreign Commerce.

On February 24, 1960, in the 2d session of the 86th Congress, the subcommittee was re-created as a subcommittee of the Subcommittee on Communications.

Later in 1960, on April 14, the Committee on Interstate and Foreign Commerce reported out Senate Resolution 305, which defined the jurisdiction of the subcommittee and authorized an appropriation for the use of the subcommittee. This resolution was adopted by the Senate on June 14, 1960.

Beginning in August 1960, the subcommittee sent to all congressional candidates and all candidates for statewide office throughout the country a letter advising of the existence and function of the subcommittee. When, in the fall of 1960, the election campaigns got underway, the subcommittee staff established a working relationship with the Federal Communications Commission staff and made arrangements for the subcommittee to be supplied with reproduction copies of all complaints or inquiries relating to politics made to the Commission in 1960. At the same time, liaison was set up whereby the subcommittee was advised daily by the Commission of all complaints or inquiries received and of the action taken by the Commission.

On October 14, 1960, the subcommittee addressed a letter to the more than 5,000 radio and television stations in the country, requesting reports to the subcommittee within 24 hours of political complaints received by the licensees during the last 3 weeks of the campaign.

With the opening of the 87th Congress, the Freedom of Communications Subcommittee was reappointed by Senator MAGNUSON, operating with the same jurisdiction granted by Senate Resolution 305 under the broader grant of authority to the Committee on Interstate and Foreign Commerce by Senate Resolution 74 passed by the Senate on February 13, 1961.

In 1962, the Freedom of Communications Subcommittee was again reappointed by Senator MAGNUSON and is presently operating with the same jurisdiction granted by Senate Resolution 305 under the broader grant of authority to the Commerce Committee by Senate Resolution 251 passed by the Senate on February 7, 1962.

Mr. President, one of our primary concerns has been the use of radio and television as a communications link between candidates for public office and the people. We are now in the midst of election campaigns in every State in the Union. Radio and television licensees have a special responsibility in an election year to serve the public so that the public is informed on all sides of public questions.

In 1960, the Congress suspended the "equal opportunities" provision of section 315(a) for the period of the 1960 presidential campaign with respect to nominees for the offices of President and Vice President of the United States. There are those who contend that it is necessary to repeal the section 315—the so-called equal time provision—in order that face-to-face debates or other like presentations would be made possible in U.S. senatorial elections, congressional elections, State gubernatorial elections, and the like. I would like to point out that, in two-thirds of the contests for these offices in the United States this year, there will only be two candidates and that radio and television licensees can offer and make available public service time to the two candidates in those races just as they did in 1960 in the presidential campaign, if they so desire.

The subcommittee intends, following the November elections, to circulate a questionnaire to the radio and television stations across the Nation for a summary of their records in presenting political candidates. The performance of licensees in seeing that the public is informed, and, in those cases where there are only two candidates for a given office, just what steps were taken by the licensees to help to inform the public, is a matter of great concern to a Senate dedicated to freedom and fairness, of which this subcommittee is the representative. The subcommittee, as a "watchdog committee," would also like to know which licensees make available time on a commercial basis and which licensees refuse to sell time for political purposes. The subcommittee has been advised that there are licensees who refused to sell any time for political speeches or discussion programs, in what appears to be a flat violation of their obligation to operate in the public interest. Some licensees will only sell political spots or commercials of less than 1-minute duration. Some radio licensees contend that their "news and music" format precludes the sale of political time.

In 1959, when Congress amended the "equal time" requirements with regard to newscasts, news interviews, news documentaries, and certain news events, it was not the intention of the Congress that, under the umbrella of "editorial discretion" the licensee would be allowed to discriminate in favor of one candidate and against another. The subcommittee intends to do some spot checking of licensees to see how, in the discretion of

licensees the broad powers granted them under the 1959 amendments are used.

As in 1960 the Senate Subcommittee on Freedom of Communications will be in operation during this campaign and election; and its staff will be available to consult and advise any and all candidates who may have complaints of discrimination or unfair treatment. This subcommittee, from the beginning, has been a strictly bipartisan operation. The fundamental principle which has motivated us is that the American people have a right to be informed fairly on all sides of public questions. Only by hearing opposing positions on public issues of interest, importance or, perhaps, survival, can the American people exercise their collective judgment intelligently at the ballot box.

In closing, Mr. President, I would like to repeat the last paragraph from the "Recommendations" section of our report, filed April 17, 1962:

> Let there be free and open discussion; let the public hear both sides of the controversial and critical issues of our time, and this dialog will better maintain Americanism and the way of life it represents than anything else we can do. We must practice at home the freedom we preach abroad. We can convince only by example; let us make of our example the most of which we are capable.

The recommendations from which I quote are from part VI of the Freedom of Communications Subcommittee report on the presidential election of 1960, filed as a part of this subcommittee's report under the resolutions creating this subcommittee.

The subcommittee report—Senate Report 994, September 13, 1961—has been presented in six parts as follows:

Part I, "The Speeches, Remarks, Press Conferences, and Statements of Senator John F. Kennedy, August 1 through November 7, 1960," filed September 13, 1961.

Part II, "The Speeches, Remarks, Press Conferences, and Study Papers of Vice President Richard M. Nixon, August 1 through November 7, 1960," filed November 28, 1961.

Part III, "The Joint Appearances of Senator John F. Kennedy and Vice President Richard M. Nixon and other 1960 Campaign Presentations," filed December 11, 1961.

Part IV, "The 15-Minute Radio and Television Network Newscasts for the Period September 26 through November 7, 1960," filed December 12, 1961.

Part V, "Hearings Before the Freedom of Communications Subcommittee, March 27, 28, and 29, 1961," filed January 9, 1962.

Part VI, "Recommendations," filed April 17, 1962.

TEMPORARY SUSPENSION OF DUTIES ON CORKBOARD INSULATION AND ON CORK STOPPERS

The Senate resumed the consideration of the bill (H.R. 12213) to provide for the temporary suspension of the duties on corkboard insulation and on cork stoppers.

Mr. BYRD of Virginia. Mr. President, with respect to H.R. 12213, I desire to make a brief statement.

Cork insulation is a material particularly suitable for low-temperature applications, such as cold-storage rooms, refrigerator cars and trucks, refrigerated warehouses, ice cream hardening rooms, fur storage vaults, and similar places requiring illustration. After cutting and fitting, cork insulation is also used for pipe coverings in vessels for the U.S. Navy, for ammunition plugs for guns on naval cruisers, and other slow-fire ammunition used by the Navy.

Cork stoppers are cylinders of cork which are used for closing bottles, jars, flasks, and similar containers.

Information indicates that cork insulation and cork stoppers are no longer produced in the United States. The former domestic producers of these products support this legislative proposal to temporarily suspend the duties on these items. The duties would be suspended for 3 years.

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

Mr. BYRD of Virginia. I yield.

Mr. TALMADGE. Mr. President, I send to the desk an amendment, and ask to have it stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Georgia will be stated.

The LEGISLATIVE CLERK. It is proposed at the end of the bill to add a new section to read as follows:

> That the Secretary of the Treasury is authorized and directed to admit free of duty one orthicon image assembly imported for the use of the Medical College of Georgia, Augusta, Ga.

Mr. TALMADGE. Mr. President, the purpose of this amendment, which is a committee-approved amendment, having been approved unanimously by the Committee on Finance, is to authorize the Medical College of Georgia to bring in duty free one orthicon image assembly.

I ask unanimous consent that a telegram addressed to me from Dr. Rufus F. Payne, Superintendent of the Medical College of Georgia, be inserted in the RECORD at this point.

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

> AUGUSTA, GA., *September 27, 1962.*
>
> Hon. HERMAN E. TALMADGE, *Senator,*
> *U.S. Senate Office Building,*
> *Washington, D.C.*
>
> DEAR SENATOR TALMADGE: This is in reference to our telephone conversation concerning assistance in waiver of import duties on specialized X-ray equipment needed in research activities at the Medical College of Georgia.
>
> This equipment is a Marconi type image amplifier which uses an orthicon type camera and a mirror optical enlarger in place of an image intensifier tube. This system gives an image resolution of 1025 lines and uses a 12-inch viewing screen.
>
> There are several American manufacturers such as Westinghouse, Phillips, Machlett, and others who either manufacture image amplifiers or who assemble such equipment from imported parts. All of these systems, however, use an image intensifier in their circuits which causes distortion of the image. These systems have a screen of only 9 inches and can resolve only 525 lines. They are not satisfactory to properly perform the research activities to which we are obligated under a grant from the National Institutes of Health. There is no other known source of supply for equipment having these performance specifications.
>
> Any report to the contrary is based upon either misinformation or misunderstanding of the specifications required. This misunderstanding may be based on the fact that the American systems employ an orthicon camera to make a picture from the image intensifier whereas the Marconi system does not employ this intermediate image intensifying system but makes its picture from the X-ray screen which is amplified by a mirror optical system.
>
> Perhaps my reference to Duke University was in error. They are in the process of purchasing identical equipment but have not yet secured waiver of import duty. Tulane University did secure relief for the purchase of different type equipment.
>
> To recapitulate: Our specifications call for a 12-inch viewing screen with a system capable of image resolution of 1,025 lines which does not use image intensification as an intermediate step. There is no American made equipment which can meet these specifications.
>
> Your assistance will be appreciated.
>
> Sincerely yours
>
> RUFUS F. PAYNE, M.D.,
> *Superintendent, Medical College of Georgia.*

Mr. JAVITS. Mr. President, if the Senator will yield, what is an orthicon image? Is that a medical term?

Mr. TALMADGE. Yes. An orthicon image assembly is a highly specialized piece of scientific equipment which permits televised examination of the human body. Although some types of this equipment are manufactured in this country, no domestic manufacturer produces this particular machine with the specifications required.

I hope the chairman of the committee will accept the amendment.

Mr. BYRD of Virginia. Mr. President, the Finance Committee voted to accept this amendment. As chairman, I will accept it and include it in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. What is the Senate about to vote on?

The PRESIDING OFFICER. The amendment of the Senator from Georgia [Mr. TALMADGE].

Mr. TALMADGE. The amendment would authorize the Medical College of Georgia to bring in some medical equipment at a cost of approximately $32,000, which will be free of a tariff duty of approximately $3,100. This equipment is not produced in this country.

Mr. MORSE. I am all for that.

Mr. TALMADGE. I thank the Senator.

I ask the Chair to put the question.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia [Mr. TALMADGE].

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I send to the desk another committee amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Georgia will be stated.

The LEGISLATIVE CLERK. It is proposed, at the end of the bill, to add a new section to read as follows:

That section 301 of the Tariff Act of 1930, as amended (19 U.S.C. 1301a), is further amended by changing the period at the end of the first sentence thereof to a semicolon and adding the following provision: *"Provided,* That for the purpose of this section none of the following and no combination of the following shall constitute manufacture or production when applied to textiles or textile products: Any process or treatment or combination thereof having the purpose of water-proofing, shower-proofing, adhesive laminating, lining, ornamenting, imparting resistance or repellency to water, stains, creasing, or insect damage, or having the purpose of preserving or changing size, color, texture or laundering or cleaning characteristics or having any other purpose or purposes similar to the foregoing."

Mr. MORSE. Mr. President, is the bill still subject to amendment?

Mr. TALMADGE. Mr. President, I have an amendment pending if the Senator will permit me to comment on it.

Mr. MORSE. Very well.

Mr. TALMADGE. This amendment was called to the attention of the Senator from Georgia by the Department of Commerce. The Under Secretary of Commerce, Mr. Gudeman, sent me a letter enclosing a draft of the suggested amendment, with a statement of the facts in the particular case that motivated the Senator from Georgia to offer this amendment before the Finance Committee. It was unanimously agreed to by the Finance Committee.

I ask unanimous consent that the letter of the Under Secretary of Commerce be inserted in the RECORD at this point.

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

THE SECRETARY OF COMMERCE,
Washington, D.C., September 24, 1962.

Hon. HERMAN E. TALMADGE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TALMADGE: There is enclosed a proposed amendment to section 301 of the Tariff Act of 1930 (19 U.S.C. 1301(a)), as amended, together with a statement of the purpose of the proposal and the need therefor.

The Department of Commerce urges enactment of this proposal at this session to put an end to an artificial uneconomic practice which is injurious to our woolen industry and which results in a considerable loss in duty to the Treasury of the United States.

Your assistance in obtaining consideration of this measure by the Congress is deeply appreciated.

Sincerely yours,

EDWARD GUDEMAN,
Secretary of Commerce.

Mr. TALMADGE. Mr. President, the domestic wool textile products industry is currently being adversely affected by substantial increases in low-priced imports. There are no quotas or other restraining actions on woolen textile products, except for tariffs. It appears likely that import pressures will continue and that the ratio of imports to domestic consumption, already high at 17.2 percent for the year ending July 1962, will rise further by the end of the year.

Apart from the basic import problem of imports from legitimate foreign manufacturing countries, for which the administration is currently exploring solutions, we are facing this year a new and very serious problem. Section 301 of the Tariff Act of 1930, as amended (19 U.S.C. 1301(a)), provides that articles manufactured in the insular possessions of the United States are to be entered into this country duty free if they do not contain foreign materials to the value of more than 50 percent of their total value.

Under this section there have been established two operations in the Virgin Islands, which import large quantities of Italian woolen fabrics, give them a waterproofing treatment there, and then ship them to the United States where they enter duty free. They pay in the range of 60 cents for the fabric and sell them in the United States for about $1.25. Despite the fact that the best waterproofing treatments cost only a few cents, this pricing, which both provides a generous markup and contributes to disruption of the domestic woolen market, is possible because of the duty-free status.

Imports of Italian fabric waterproofed in the Virgin Islands by these two operations totaled over 6 million square yards in the first 7 months of 1962. These operations employ less than 100 persons each and total costs do not exceed the range of 20 cents per square yard. The fabric is being used in some instances for skirts and trousers so that the waterproofing is actually of little or no value. The operations obviously exist solely to take advantage of the duty-free benefits of section 301 and are doing little to add to the economy of the Virgin Islands. Loss of duty to the U.S. Treasury arising from this operation was in excess of $4 million in the first 7 months of this year.

Meanwhile, these duty-free imports amounted to nearly 20 percent of regular woven fabric imports in the first 7 months of this year and are therefore a major factor contributing to rising imports of woolen textile products and to the hardship being caused to many domestic woolen mills.

This amendment to section 301 would preclude from the definition of manufacture or production as used therein the present processing and related uneconomic operations. It would not preclude substantive processing and manufacture of benefit to the insular possessions.

Mr. President, I have before me a telegram addressed to "Hon. HARRY BYRD, chairman of the Finance Committee, Senate Office Building," which reads as follows:

Endorse amendment to H.R. 12213 regards textiles from Virgin Islands.

GOVERNOR PAIEWONSKY.

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

Mr. TALMADGE. I am delighted to yield to the distinguished Senator from Rhode Island, provided the Senator from Virginia [Mr. BYRD] who has the floor concurs.

Mr. PASTORE. Mr. President, I am very familiar with this situation. I am also familiar with what has been happening. I am familiar with the amendment.

I heartily endorse the amendment, and I hope the Senate will approve it. We who are interested in the woolen textile industry have been trying for a long time, through administrative intervention, to stabilize the importation of woolen goods. Excessive import has depressed the American woolen market to the point that it is on the verge of bankruptcy. For a long time we tried to stabilize imports of woolen cloth to this country predicated on the importations for fiscal year 1961. Since that time the importations have increased more than 17½ percent.

Today we are plagued by a loophole. The purpose of the amendment is to close this loophole and to stop the abuse which is now being inflicted on American industry.

What is being done in the Virgin Islands is merely the sprinkling—the alleged showerproofing—of cloth which essentially does not have to be waterproofed. The only purpose is to submerge the American market with woolen cloth coming from various countries of the world, and, I regret to say, particularly from Italy at this time. The cheap cloth is sent to the Virgin Islands and, because the Virgin Islands participates to some extent in waterproofing the cloth, it then comes to the United States duty free. A case on this subject is now pending before the Bureau of Customs. There is a loophole, which should be closed.

I heartily endorse the amendment, which I think should be adopted. What is being done defeats the purpose of section 301.

Mr. TALMADGE. I thank the able Senator for his invaluable comment.

Mr. SALTONSTALL and Mr. JAVITS addressed the Chair.

Mr. TALMADGE. I now yield, with the permission of the chairman of the committee, to the distinguished senior Senator from Massachusetts, and then I will yield to the distinguished senior Senator from New York.

Mr. SALTONSTALL. Mr. President, I appreciate the Senator's yielding to me. As a representative of Massachusetts, whose people are greatly interested in the woolen industry, I endorse what the Senator from Georgia and the Senator from Rhode Island have said. What is involved is another method of getting around our tariff laws at the expense of textile manufacturers in our country. I understand that the Treasury Department supports the amendment which the Senator from Georgia has offered. I hope it will be adopted.

Mr. TALMADGE. I appreciate the comment by the able and distinguished Senator from Massachusetts. I now yield to the senior Senator from New York.

Mr. JAVITS. First, Mr. President, I should like to ask a factual question, and then, if I may, I should like briefly to express my view to the Senator.

I understand that the original problem with respect to the Virgin Islands was on shower proofing so-called cravenetted material. There has been included in the amendment the laminating, lining, and ornamenting of textiles.

Is that a Virgin Islands problem, or something of a different type? I think the record should be clear.

Mr. TALMADGE. It represents a Virgin Islands problem.

Mr. JAVITS. Of the same kind?

Mr. TALMADGE. That is correct.

Mr. JAVITS. I have been importuned to interpose an amendment to the amendment, or otherwise to act with respect to it. Incidentally, I have not entertained the importuning on a rather interesting ground, which I should like to lay before the Senator, because I think the question can be answered.

Though it is true that the Commerce Department has made its representation, it is also a fact that representatives of the Bureau of Customs have said that this is a practice which is within the customs laws and that, therefore, the people who are engaging in this practice are entitled to a hearing almost on civil liberties grounds.

I have no intention of opposing the amendment or of offering an amendment to the amendment, but I should like to ask the Senator a question. I am really asking the Senator from Virginia the question, but directing it to the Senator who has been kind enough to yield to me.

I seems to me that we ought to be able to say to these people, on the record, "In view of the fact that Congress is quitting, though this may not be a loophole, at least there is a prima facie case"—as we lawyers say—"that it ought to be closed up."

The chairman of the committee could say, "If you feel aggrieved, we will give you a hearing the minute the Congress returns, or perhaps during the recess, if you wish to present some kind of letter requesting it, stating the fact that you ought to have a hearing, that you have been aggrieved, that there are substantive facts which have not been considered. There is no desire to foreclose you, except for the problem of time. We are going home, and this does look like a serious loophole. That is the explanation."

Mr. BYRD of Virginia. I say to the Senator from New York that the Finance Committee has never refused a hearing, but I will not guarantee that we could obtain a quorum during the recess.

Mr. JAVITS. In any case, there would be an audience.

Mr. BYRD of Virginia. There would be an audience.

Mr. JAVITS. The committee has a staff. The chairman is always available. Purely on the grounds of civil liberties, when people complain that they have not had a hearing and that we are passing substantive legislation without a hearing, they should be given that much satisfaction. We could say, "If you will come in, those in authority will hear your case."

Mr. BYRD of Virginia. The Senator from Virginia will do everything possible to provide a hearing, provided we can obtain a quorum.

Mr. JAVITS. I do not wish to put words into the mouth of the Senator, but I am sure that the Senator from Virginia will do what is tantamount to giving them an audience.

Mr. BYRD of Virginia. The Finance Committee has always done that. We will do it in this case.

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

Mr. TALMADGE. I yield to the distinguished Senator from Oregon.

Mr. MORSE. The suggestion made by the Senator from New York is a perfectly reasonable and fair one, and I think the Senator got a perfectly fair and cooperative answer from the Senator from Virginia, which would in no way prevent the adoption of the Talmadge amendment, which would plug the loophole for now.

If any case can be shown that any wrong or injustice is being committed, that would require further action on the part of the Congress in the next session. Is that a correct understanding?

Mr. TALMADGE. I think that is entirely correct. Since I have been honored to serve on the Finance Committee, the distinguished and able chairman of the Finance Committee has never refused a hearing to anyone who has requested it, to my knowledge, on any subject.

I will say further that some of the individuals who are interested in this matter came to see me, because I had offered the amendment in the committee. I told them that the Finance Committee had acted unanimously to plug the loophole on the request of the Government of the United States, but that if any of them had a problem which might involve a hardship, so far as I was concerned, as one individual member of the Finance Committee, I would be happy to consider it next January.

Knowing the members of the Finance Committee as I do, their high sense of honor and high sense of dedication, I can assure the able Senator from Oregon and the able Senator from New York that the Finance Committee will hear anyone on any matter of interest at any time.

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

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

Mr. MORSE. I had not quite completed my comment.

I have done my best to consider the pros and cons of this issue. I have come to the conclusion that the Talmadge amendment should be adopted.

I received information from Mr. R. A. Ward, of the woolgrowers in my State, this afternoon by telegram.

In the telegram it is set forth that the Talmadge amendment is necessary to protect a very important economic segment of the economy in my State; namely, the wool segment. Therefore, I shall support the amendment.

I am perfectly satisfied with the procedure which has been agreed upon between the Senator from Virginia [Mr. BYRD] and the Senator from New York [Mr. JAVITS], which will give the Virgin Islands people at least an opportunity to prove their case for further action by the Congress, if they can make the facts stick.

Mr. TALMADGE. I thank the able Senator from Oregon. I am deeply grateful to the Senator for his very effective support.

Mr. SCOTT rose.

Mr. TALMADGE. Does the Senator from Pennsylvania desire to ask me a question?

Mr. SCOTT. Yes, if the Senator will be good enough to yield to me in order to clarify something.

Mr. TALMADGE. I yield to the Senator from Pennsylvania.

Mr. SCOTT. It is my understanding that the amendment the Senator has offered has the approval of the Department of Commerce. In the amendment before the word "laminated" I see the word "adhesive." I assume the Senator would distinguish between the words "thermo" and "adhesive" as they would apply to the process of lamination. Is that correct?

Mr. TALMADGE. That is correct.

Mr. SCOTT. As I understand, the definition of adhesive lamination is a liquid adhesive which allows the gluing of two things together, and thermo lamination involves melting a part of one substance by flame and then adhering that substance to a piece of textile. I am told that that is the difference.

Mr. TALMADGE. The Senator from Pennsylvania is correct.

Mr. SCOTT. I thank the Senator.

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

Mr. TALMADGE. I yield to the distinguished Senator from Michigan.

Mr. HART. I thank the distinguished Senator from Georgia.

Mr. President, mention has been made that an opportunity for a hearing would be available to anyone who feels aggrieved by the amendment. Apparently that is the attitude of the majority of the Senate. However, I wish to raise a question about American manufacturers who have entered into agreements of purchase with producers in the Virgin Islands on the assumption, which was a perfectly valid one, that the introduction into the United States of rainproved material of the kind described was within the authority of section 301.

A manufacturer has communicated with me, advising that cutting off this source of fabrics would adversely affect our operation and cut down on our employment capacity. He, too, has made the point that the subject of the amendment has never been given a hearing.

Are we not in the position of locking the door before we find out whether the horse is there or not? Why should we change the law until there has been a hearing?

Mr. TALMADGE. I point out to the Senator from Michigan that all the amendment would do would be to close a loophole in the law. The material would still be available. All that those dealing in the material would have to do would be to pay the import duty when they bring it into the country.

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

Mr. TALMADGE. I yield.

Mr. PASTORE. We can only understand the amendment when we understand the reason for the proposal. We

have been reasonably successful in trying to protect the American textile industry. We have worked out agreements as to exports. We have been rather successful in stabilizing the importation of these goods. The minute we arrive at a point of stabilization, however, the manufacturers of such material as that about which we have been speaking began to look through the law books to see if they could find a loophole. That is precisely what they have found. They have worked out a phony process of waterproofing the cloth. It is cloth which does not have to be waterproofed and never was intended to be waterproofed.

But merely to create a gimmick by which the goods could be imported on the basis that the value of the goods had been processed in the Virgin Islands so that it could come in duty free. So those engaged in the trade have discovered an out-and-out loophole.

Mr. President, there is an emergency. We should meet it now, because since the start of the year they have brought in from the Virgin Islands 7 million yards of cloth.

Mr. TALMADGE. The Senator is entirely correct. It is a gimmick to avoid paying the proper duty on the importation of this product.

Mr. HART. As I indicated earlier, I understand the attitude of the Senator, but I still believe I am not illogical in suggesting that those who are complying with the letter of the law might be damaged, and they should have an opportunity to be heard.

Mr. TALMADGE. I thank the able Senator from Michigan.

Mr. President, if no other Senator desires to be heard, I ask for the adoption of my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia [Mr. TALMADGE].

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

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

The motion to lay on the table was agreed to.

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

Mr. BYRD of Virginia. I yield to the Senator from Connecticut.

Mr. BUSH. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from Connecticut will be stated.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to add the following new section:

SEC. 2. (a) Paragraph 1101(b) of the Tariff Act of 1930 (19 U.S.C., sec. 1001, par. 1101 (b)) is amended by inserting after the first sentence thereof the following new sentence: "Karakul wools, and other wools of whatever blood or origin not finer than 40s, may be entered or withdrawn from warehouse without the payment of duty by a manufacturer, processor, or dealer upon the filing of a bond to insure that any wool entered or withdrawn thereunder shall be used only in the manufacture of pressed felt for polishing plate and mirror glass: *Provided*, That a tolerance of not more than 10 per centum of such wools other than Karakul not finer than 44s may be allowed in each bale or package of wools imported as not finer than 40s."

(b) The amendment made by subsection (a) shall apply only with respect to wool entered, or withdrawn from warehouse, for consumption, on or after the 30th day after the date of the enactment of this Act.

Mr. BUSH. Mr. President, I believe that the committee has considered the amendment and approves of it. I shall not belabor the question. If the Senator from Virginia is willing to accept it, I shall be glad to have it go to a vote.

Mr. BYRD of Virginia. The amendment has the approval of the committee, and the Senator from Virginia will be glad to accept it.

Mr. BUSH. I ask unanimous consent that a statement which I have prepared be printed at this point in the RECORD.

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

S. 3642, introduced by Senator BUSH on August 15, 1962, proposed that paragraph 1101(b) of the Tariff Act of 1930 (19 U.S.C., sec. 1001, par. 1101(b)) be amended to permit the duty-free entry of certain coarse wools which are not produced in significant quantity in this country, provided that the wools so imported were to be used in the manufacture of "pressed felt for polisihng plate and mirror glass."

In order to forestall any possibility—however remote—that imports pursuant to S. 3642 might result in injury to our domestic wool industry, the bill should be made even more restrictive. To that end, there is attached hereto a suggested amendment to S. 3642. It would strike out all after the enacting clause and substitute new language. While designed to accomplish the same objective as S. 3642, the amendatory language by its terms is more restrictive and thus provides still further insurance against injury to the domestic wool industry. The new language specifies that wools admitted free of duty for use in the manufacture of "pressed felt for polishing plate and mirror glass" shall be limited: first, to Karakul wools without any specification as to coarseness, and second, to wools of any other blood or origin provided they are not finer than 40s (as to these other wools a tolerance of 10 percent not finer than 44s would be allowed in each bale or package of wools imported as not finer than 40s).

This amendment will make it even more certain that the wools to be thus imported free of duty will have no counterpart among wools produced in this country. Karakul wools are not to be found in our domestic wool production, nor are wools of any other blood or origin that are so coarse as to be "not finer than 40s."

A similar legislative proposal in this area (H.R. 9161) would permit the duty-free entry of wools "not finer that 46s," provided they were to be used in the manufacture of "polishing felts." All of the various executive departments and agencies having an interest in that bill reported to the House Ways and Means Committee that they would not object to the enactment of the legislation. The Tariff Commission recommended that the end use be described more precisely by substituting "pressed felt for polishing plate and mirror glass" for "polishing felts." Adoption of this suggestion is reflected in S. 3642 as introduced by Senator BUSH and is incorporated word for word in the amendment now proposed to S. 3642.

It is understood that no department or agency in the executive branch would have any objection to the amendment proposed here. The reasons for this are obvious. In commenting on H.R. 9161, the Department of Agriculture, for example, concluded that it would have no objection to passage of the bill because the wools that would be imported thereunder are not available in significant quantities domestically and are, therefore, essentially noncompetitive with domestic wool. The unavailability of competing domestic wools is, as indicated above, made all the more certain by the greater restrictions that would be imposed by the new amendment. Duty-free importation would be limited to Karakul wools which are not found in our domestic production and to other wools provided they are not finer than 40s. Present law permits the duty-free entry, for other specified end uses, of wools not finer than 46s and this same restriction would be applied, under H.R. 9161 and S. 3642, to pressed felt for polishing plate and mirror glass. The proposed amendment, however, would limit duty-free importation for use in the manufacture of pressed felt for polishing plate and mirror glass to wools of a coarseness not finer than 40s and the amendment, accordingly, is more restrictive on its face than the similar legislation as to which earlier this year the Department of Agriculture, the Tariff Commission, and other agencies of the executive branch reported favorably.

Another important element of protection for the domestic wool industry that is present in the proposed amendment should also be emphasized. It is the condition that duty-free entry is permitted only if the wools in question are to be actually used in the manufacture of pressed felt for polishing plate and mirror glass. The amendment requires the posting of a bond to insure that the wools entered duty free are in fact used for the purpose specified. The protective feature—specifying an end use and requiring the posting of a bond to insure that end use—is drawn directly from present law (paragraph 1101(b)). In fact, all of the language of the proposed amendment is an exact parallel of the first sentence of paragraph 1101(b) except (1) for the specification of Karakul wools by name and (2) the more restrictive "not finer than 40s" instead of "not finer than 46s". Finally, the pressed felt industry has advised that it is actually impossible to make pressed felt for polishing plate and mirror glass unless very coarse wools, Karakul wools or other wools not finer than 40s, are used. This fact, together with the mentioned safeguards that are built into the amendatory language, make an abuse of the privilege that would be granted impossible.

The need for this bill is very real. The tariff on imports of felt products made abroad from these same coarse wools, including foreign made pressed felt for polishing plate and mirror glass, was recently reduced by 20 percent in the multiple country tariff negotiations held in Geneva earlier this year. Even before that 20-percent tariff reduction, foreign made felts of the kind in question were being imported at prices substantially below domestic production costs for such felts. The legislation proposed will be of material help in restoring a degree of competitive balance as between our own and foreign producers.

Needless to say, this bill is of great importance to the American felt industry. It is also of importance, however, to the American woolgrower for the felt industry is a substantial consumer of domestic wool. The best interests of the American woolgrower are plainly served if the felt industry remains strong and able so that it can continue its purchases of domestic wools. The legislation at hand, amended as proposed, will advance that objective materially.

Mr. BUSH. Mr. President, I urge the adoption of my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. BUSH. I thank the Senator from Virginia.

Mr. CURTIS. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from Nebraska will be stated.

The LEGISLATIVE CLERK. At the appropriate place in the bill, it is proposed to add:

SEC. —. (a) For purposes of the Tariff Act of 1930, the rate of duty specified in paragraph 1506 of such Act applicable to brooms made of broom corn shall be based upon the American selling price (as defined in section 402(e) of such Act) of the domestic article.

(b) Subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the 30th day after the date of the enactment of this Act.

(c) For purposes of section 336(f) of the Tariff Act of 1930, the provisions of subsection (a) shall be treated as having been proclaimed under section 336(c) of such Act.

Mr. CURTIS. Mr. President, the amendment would carry out the recommendation and unanimous opinion of the Tariff Commission. I ask unanimous consent that the portion of the Tariff Commission's report appearing on pages 12 and 9 and its conclusion, including the signatures of members of the Tariff Commission, on pages 4 and 5, be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Is there objection?

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

Page 12:

"U.S. IMPORTS

"U.S. imports for consumption of all brooms provided for in tariff paragraph 1506 increased from 102,200 dozen, valued at $300,281 in 1955, to 258,457 dozen, valued at $729,354 in 1960 (table 5)."

Page 9: "171 concerns produce more than 90 percent of the total U.S. output, according to the National Broom Manufacturers & Allied Industries Association. Of this number, 139 concerns are commercial producers and 32 are workshops for the blind. In addition there are approximately 175 one-man-shop operators who were referred to by witnesses at the Commission's hearing but whose identities are not on record."

Pages 4 and 5:

"CONCLUSIONS

"The Commission finds it shown by the investigation—

"1. That the duty of 25-percent ad valorem expressly fixed by statute for brooms made of broomcorn, applied on the presently applicable bases of dutiable value under section 402 of the Tariff Act of 1930, does not equalize the differences in costs of production, including transportation and other delivery charges to the principal markets in the United States, of the domestic articles and the like or similar foreign articles produced in the principal competing country;

"2. That such differences in costs of production cannot be equalized by the maximum permissible increase in such rate of duty as provided in section 336(a) of the said act; and

"3. That in order to equalize such differences in costs of production to the fullest extent permissible under section 336, it is necessary that the rate of duty of 25 per centum ad valorem be applied to brooms made of broomcorn on the basis of the American selling price as defined in section 402(e) of the said act.

"Appended hereto is a summary of the information obtained in the investigation.

"Respectfully submitted,[1]

"BEN DORFMAN,
"Chairman.

"JOSEPH E. TALBOT,
"Commissioner.

"WALTER R. SCHREIBER,
"Commissioner.

"GLENN W. SUTTON,
"Commissioner.

"J. ALLEN OVERTON, Jr.,
"Commissioner."

Mr. CURTIS. The amendment has been approved by the committee, and at the direction of the committee I have offered it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. CURTIS].

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, on behalf of the Senators from Washington [Mr. MAGNUSON and Mr. JACKSON], I offer an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to insert the following new section:

SEC. 2. (a) Section 201 of the Tariff Act of 1930 (19 U.S.C., sec. 1201) is amended by adding at the end thereof the following new paragraph:

"Par. 1830. Limestone, crude, not suitable for use as monumental, paving, or building stone; limestone chips and spalls; and limestone, crushed or ground."

(b) Paragraph 203 of section 1 of such Act (19 U.S.C., sec. 1001, par. 203) is amended by striking out "Limestone (not suitable for use as monumental or building stone), crude, or crushed but not pulverized, 5 cents per one hundred pounds; lime" and inserting in lieu thereof "Lime".

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this Act.

It is proposed to amend the title so as to read: "An Act to provide for the temporary suspension of the duties on corkboard insulation and on cork stoppers, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a statement prepared by the distinguished Senators from Washington relative to the amendment offered in their behalf be printed at this point in the RECORD.

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

STATEMENT BY SENATOR JACKSON REGARDING AMENDMENT TO H.R. 12213

I rise to present an amendment for Senator MAGNUSON and myself to place on the free list imports of crude limestone. All the interested Departments (Interior, Commerce, Labor, State, and Treasury) have submitted favorable reports on the amendment to the Committee on Finance. These reports demonstrate that the amendment will greatly benefit certain U.S. industries dependent upon these imports—such as cement, paper and pulp, and metallurgical—while causing no injury to U.S. crude limestone producers.

Imports of crude and crushed limestone are small in volume, come entirely from Canada, and are consumed by U.S. industries located in the border States. In 1961, nearly three-fourths of imports were consumed by cement and other industrial plants located in the State of Washington.

These imports result from the fact that several of these border areas are deficient in commercial deposits of limestone. Since limestone is a commodity of low-unit value, with the cost of transportation relatively high, nearby Canadian quarries are the only economic source of this raw material for these U.S. industries.

High transportation costs and low-commodity value prevent the Canadian imports from moving more than short distances inland or into U.S. localities having ample supplies of crude limestone. Imports are thus essentially noncompetitive with domestic production. I am advised that in 1960, according to Tariff Commission figures, imports of crude or crushed limestone were less than one-quarter of 1 percent of U.S. production in the border States themselves.

The existing duties, about 22 cents per ton or about one-seventh of imported crude limestone costs, are merely an added burden to the costs of certain U.S. industries which, in any case, must import. At the same time, because these imports are noncompetitive, the duties are not needed for protection of domestic industries.

I commend this needed proposal to your attention as one beneficial to the consuming U.S. industries, and request your favorable consideration.

H.R. 12213

(Amendments intended to be proposed by Mr. JACKSON (for himself and Mr. MAGNUSON) to the bill H.R. 12213 to provide for the temporary suspension of the duties on corkboard insulation and on cork stoppers)

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

"SEC. 2. (a) Section 201 of the Tariff Act of 1930 (19 U.S.C., sec. 1201) is amended by adding at the end thereof the following new paragraph:

" 'Par. 1830. Limestone, crude, not suitable for use as monumental, paving, or building stone; limestone chips and spalls; and limestone, crushed or ground.'

"(b) Paragraph 203 of section 1 of such act (19 U.S.C., sec. 1001, par. 203) is amended by striking out "Limestone (not suitable for use as monumental or building stone), crude, or crushed but not pulverized, 5 cents per one hundred pounds; lime" and inserting in lieu thereof "Lime".

"(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse for consumption after the date of the enactment of this Act."

Amend the title so as to read: "An Act to provide for the temporary suspension of the duties on corkboard insulation and on cork stoppers, and for other purposes."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senators from Washington.

The amendment was agreed to.

Mr. SMATHERS. Mr. President, I call up my amendment 10-3-62 and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Florida will be stated.

[1] Commissioner Dowling participated in this investigation and subscribed to the conclusions set forth above, but was absent on leave at the time this report was submitted to the President.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to insert a new section as follows:

SEC. 2. Wood particleboard which was entered, or withdrawn from warehouse, for consumption after July 11, 1957, and before May 25, 1961, shall be classified for duty purposes as wallboard under paragraph 1402 of the Tariff Act of 1930, if not excluded from classification under such paragraph by reason of any processing specified therein. The entries involved shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930, be liquidated or reliquidated in accordance with the preceding sentence, except that no refund shall be allowed thereby, unless claim therefor is filed with the collector of customs concerned within one hundred and twenty days after the date of the enactment of this Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

Mr. SMATHERS. Mr. President, the amendment relates to a circumstance that developed by reason of bad advice. I have talked the matter over with the able chairman of the committee. I understand that he is willing to take the amendment to conference.

Therefore, I ask unanimous consent that there may be printed in the RECORD at this point an explanation of the bill.

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

During the period July 11, 1957, to May 25, 1961, certain imports of wood particleboard were imported and classed as wallboard for duty purposes. The advice was that imports in standard wallboard sizes would be classified as wallboard at a reasonable tariff rate.

Later on, it was found that the exporter had allowed an inch or so extra on shipments to this country so that any damage to the edges, incurred in shipping, could be trimmed off.

This, apparently, was a good will gesture on the part of the exporter. However, the Customs ruled that this extra inch took these shipments out of the standard wallboard sizes and, instead of a 5 percent duty, the importers suddenly found themselves confronted with a duty of about 400 percent.

This great increase was not made known until after the merchandise had been sold under the assumption that the duty would be 5 percent.

I am advised that the importer in Florida will be bankrupt if this great increase in duty is collected. Had he known that the tolerance of 1 inch was going to make a difference of about 395 percent in the duty, he would, by all means, have had the panels trimmed before shipment.

I want to make it clear that the amendment reassessing the rate at 5 percent will apply only to entries of particleboard made within the time limit specified. It will have no application to entries made since the middle of 1961, nor to any made in the future. Adoption of the amendment will prevent an injustice to one or two importers which has developed through no fault of their own. I hope the amendment will be adopted.

Mr. BYRD of Virginia. Mr. President, I am willing to take the amendment to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida [Mr. SMATHERS].

The amendment was agreed to.

Mr. WILLIAMS of New Jersey. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

Mr. WILLIAMS of New Jersey. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. Without objection, the amendment will be printed in the RECORD at this point.

The amendment is as follows:

At the end of the bill insert the following:

"SEC. 2. Part 3 of title V of the Social Security Act is amended by adding at the end thereof the following new section:

"'DAY-CARE FACILITIES FOR CHILDREN OF MIGRANT AGRICULTURAL WORKERS

"'SEC. 529. (a) For the purpose of enabling the United States, through the Secretary, to further cooperate with State public-welfare agencies which have included in their plans for child-welfare services provisions calling for the providing of day-care facilities for the children of migrant agricultural workers, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1963, and for each succeeding fiscal year through the fiscal year ending June 30, 1965, the sum of $750,000, which shall be used exclusively for the establishment and operation of such day-care facilities.

"'(b) On November 1, 1962, and thereafter at the beginning of each fiscal year (commencing with the fiscal year ending June 30, 1964) the Secretary shall allot the sums appropriated pursuant to subsection (a) to States as follows: He shall allot to each State the plan of whose child-welfare agency calls for the providing of such day-care facilities an amount which bears the same ratio to the amount appropriated pursuant to subsection (a) for such year as the total number of children of migrant agricultural workers who were in such State during the preceding fiscal year (as determined by the Secretary on the basis of the best data available to him) bears to the total number of such children who were in all such States for such preceding year (as so determined).

"'(c) From the sums appropriated pursuant to subsection (a) and the allotments available under subsection (b), the Secretary shall from time to time pay to each State the public-welfare agency of which includes in its plan for child-welfare services provisions calling for the providing of day-care facilities for the children of migrant agricultural workers an amount equal to the Federal share (as determined under section 524) of such portion of the total sum expended under such plan (including the cost of administration of the plan) as is attributable to the providing of such day-care facilities. Such amounts shall be payable in the manner provided by section 523(b).

"'(d) The amount of any allotment to a State under subsection (b) for any fiscal year which the State certifies to the Secretary will not be required for carrying out the provisions of its State plan relating to the providing of day-care facilities for the children of migrant workers shall be available for reallotment from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines (1) have need in carrying out the provisions of their State plan which call for the providing of such facilities for sums in excess of those previously allotted to them under such subsection and (2) will be able to use such excess amounts during such fiscal year in carrying out such provisions. Any amount so reallotted to a State shall be deemed part of its allotment under subsection (b).

"'(e) In no case shall a State receive Federal financial assistance with respect to the same expenditure under this section and the preceding sections of this part.

"'(f) For purposes of this section—

"'(1) The term "migrant agricultural worker" means an individual (A) whose primary employment is agriculture, as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), or performing agricultural labor, as defined in section 3121(g) of the Internal Revenue Code of 1954 (26 U.S.C. 3121 (f)), on a seasonal or other temporary basis, and (B) who establishes with his family for the purpose of such employment a temporary residence;

"'(2) The term "child" means a child who makes his home with his parent or the individual who stands in loco parentis to the child; and

"'(3) The term "day-care facility" includes (A) day-care centers whether provided directly by the State (or any political subdivision thereof) or indirectly through a purchase of care or other basis, and (B) individualized care provided through foster home services.

"'(g) No funds appropriated under the authority of subsection (a) shall be payable to any State which imposes, as a condition of eligibility for day-care facilities, any residence requirement which excludes any otherwise eligible child physically present in the State.'"

Mr. WILLIAMS of New Jersey. Mr. President, I offer the amendment on behalf of myself, the Senator from Minnesota [Mr. HUMPHREY], the Senator from Illinois [Mr. DOUGLAS], the Senator from Massachusetts [Mr. SMITH], the Senator from Texas [Mr. YARBOROUGH], the Senator from North Dakota [Mr. BURDICK], the Senator from Colorado [Mr. CARROLL], the Senator from Michigan [Mr. HART], the Senator from Oregon [Mr. MORSE], the Senator from New York [Mr. JAVITS], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Montana [Mr. METCALF], and the Senator from Pennsylvania [Mr. CLARK].

This amendment to the bill H.R. 12213 would add a new section to part 3, title V of the Social Security Act, providing grants to States for material and child welfare services. The new section would be entitled "Day-Care Facilities for Children of Migrant Agricultural Workers," and would authorize $750,000 annually in grants to States having large numbers of migratory farmworkers and hence significant need for assistance in the provision of day-care facilities and services for migratory farm children. In order to assure that the moneys only go to areas of need, the moneys appropriated under the new section would be allotted to States by a formula based on the number of migratory farm children within the State.

The Federal funds would be allotted among States on a matching basis in accordance with the matching formula now contained in the child welfare services section of the Social Security Act. Under such formula, the Federal grant would vary according to the State's per capita income, but in no case would the grant be less than 33⅓ percent or more than 66⅔ percent. State residence requirements would not bar otherwise eligible children from benefits. Welfare services and benefits, for which migratory farm children are currently eligible under section 521 of the Social Security

Act, would continue to be available after enactment of this bill. The cost of section 521 benefits would not be considered as part of the grants authorized by this bill.

The amendment, in its substantive provisions, is identical to the bill, S. 1131, which has been favorably recommended for enactment in a formal report of the Department of Health, Education, and Welfare.

This day-care provision was passed.

I ask unanimous consent that there be printed in the RECORD at this point a statement bearing on the background of the amendment.

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

CHILD WELFARE

BACKGROUND

Approximately 100,000 to 150,000 children under the age of 14 accompany their parents on their yearly migration for agricultural work. Because one wage earner's income is rarely enough to support a family, it is usually the case that the wife, and often the older children, work also. Infants and younger children, if they are left at the home camp, are usually tended by a woman too old or too sick to work, or by an older child—perhaps only 9 or 10 years old himself. Sometimes infants are taken to the field with their parents, and left for the whole day with little shelter, care, or attention. In short, these children are generally left uncared for and when care is provided, it is usually inadequate.

In a study made by the Children's Bureau in 1960, the overwhelming consensus of State welfare agencies was that day-care centers are desperately needed for children of migratory agricultural workers. Some States have already allocated part of their State child welfare appropriations for day-care facilities for migratory children. Yet, today, in the entire Nation, there are still only 24 licensed day-care centers which primarily serve children of migratory families. Thirteen of these centers are in New York State alone. The combined aggregate capacity of all 24 centers would probably serve fewer than 1,000 children.

Aside from day care, an equally serious situation exists in the area of child welfare work. Migratory families and their children have a greater than average number of social problems. However, in the 39 counties estimated to have 5,000 or more migratory workers, 10 do not have any service available from a full-time public welfare worker. Ten others either have one full-time worker for the county's total population, or services only on a shared basis with one or more counties.

RECOMMENDATIONS

Children of migratory farm workers should be provided better care and protection while their parents are at work in the fields. The Federal Government should stimulate establishment and maintenance of day-care facilities for children of migratory agricultural workers by making financial assistance available for this purpose to States. Such assistance should be made available to States on a matching basis by a formula which makes allowance for the State's total number of domestic migratory workers.

Mr. BYRD of Virginia. The Senator's amendment relates to social security. We are considering a tariff bill. I am willing to accept it and take it to conference. However, I wish to point out that this relates to a social security bill and we are considering a tariff bill. It may be subject to a point of order in conference.

Mr. WILLIAMS of New Jersey. I appreciate the courtesy of the Senator from Virginia.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to provide for the temporary suspension of the duties on corkboard insulation and on cork stoppers, and for other purposes."

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MORSE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954—MEDICAL AND OTHER BENEFITS FOR RETIRED EMPLOYEES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2229, H.R. 10117.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 10117) to amend section 401 of the Internal Revenue Code of 1954 to provide that plans which provide certain medical and other benefits for retired employees and their families may be qualified pension plans.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with amendments on page 1, line 5, after the word "subsection," strike out "(c)" and insert "(h)"; in line 6, after the word "subsection," where it appears the first time, to strike out "(d)" and insert "(i)"; in the same line, after the word "subsection," where it appears the second time, to strike out "(b)" and insert "(g)"; at the beginning of line 8, to strike out "(c)" and insert "(h)"; and at the top of page 3, to insert a new section, as follows:

SEC. 3. At the option of the taxpayer, exercised after the date of enactment of this Act and not later than December 31, 1962, intangible drilling and development costs paid or incurred may be deducted as expenses. The option provided by this section shall not apply in any case to which the regulations prescribed by the Secretary or his delegate in accordance with section 263(c) of the Internal Revenue Code of 1954 (or the regulations recognized and approved by the Congress in H. Con. Res. 50, Seventy-ninth Congress) apply, but such option shall apply with respect to such costs paid or incurred in the first taxable year ending on or after the date of the enactment of this Act, and shall be binding upon the taxpayer with respect to subsequent taxable years in the same manner and to the same extent as if it had been exercised under the regulations so prescribed.

Mr. BYRD of Virginia. Mr. President, H.R. 10117 relates to the qualification of certain pension trusts under the Internal Revenue Code. Under existing Treasury regulations, a qualified pension trust may not include benefits for sickness, accident, hospitalization or medical expenses for retired employees and retain qualification for income tax exemption or for deductibility of employer contributions made under the retirement plan.

On the other hand, the existing law permits contributions under accident and health plans for employees to be deducted by employers and excluded from gross income of employees.

H.R. 10117 would eliminate the prohibition against qualified pension trusts including sickness, accident, hospitalization or medical benefits for their beneficiaries. It would permit these benefits and pension benefits to be funded together under a single trust provided separate accounts are kept—so the contributions for the sickness, et cetera, benefits can be ascertained and their reasonableness determined—and provided the sickness, et cetera, benefits are subordinate to the pension benefits.

The amendment would become effective for taxable years ending after the date of enactment. Revenue effects would be negligible because the bill primarily simplifies administration of plans for medical benefits and for pension benefits by making separate trusts unnecessary.

The House bill was amended by the Committee on Finance in only one important respect. A new section was added to permit a special election to deduct intangible drilling and development expenditures. Under regulation a taxpayer must make an election to deduct intangible drilling and development costs for the first year for which they are incurred and the election is binding for all subsequent years. If he does not make the election for the first year, he is given no further opportunity to make it but is required to capitalize those expenses.

Under the committee amendment a taxpayer who did not exercise his option within the time prescribed by regulations is granted a new option which he must exercise not later than December 31, 1962. This option, if exercised, would apply for taxable years ending after the date of enactment of this act and would be binding for all subsequent years in the same manner and to the same extent as if it had been made under appropriate Treasury regulations.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. MORSE. Mr. President, I offer an amendment to the bill and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. At the end of the bill insert a new section as follows:

SEC. 2. (a) Section 5123(b) of the Internal Revenue Code of 1954 (relating to application of special tax on retail dealers in liquor where business is conducted in more than one location) is amended by adding at the end thereof the following new paragraph:

(3) LIQUOR STORES OPERATED BY STATES, POLITICAL SUBDIVISIONS, ETC.—A State, a political subdivision of a State, or the District of Columbia shall not be required to pay more than one special tax as a retail dealer in liquors under section 5121(a) regardless of the number of locations at which such State, political subdivision, or District carries on business as a retail dealer in liquors."

(b) Section 5113(b) of such Code (relating to application of special tax on wholesale dealers in liquor to liquor stores operated by States, political subdivisions, etc.) is amended—

(1) by striking out "or Territory" and "Territory," each place such terms appear, and

(2) by striking out "if such liquor store" and inserting in lieu thereof "if such State, political subdivision, or District".

(c) The amendments made by subsections (a) and (b) of this section shall take effect on July 1, 1962.

And to amend the title to read as follows: "An Act to provide for the temporary suspension of the duties on cork-board insulation and on cork stoppers, and for other purposes."

Mr. MORSE. Mr. President, my amendment is really H.R. 2016, which was referred to the Committee on Finance. Its history in that committee I shall relate shortly. It provides that States and political subdivisions which operate retail liquor stores be required to purchase only one $54 Federal retail liquor dealer's tax stamp for the State each year, instead of being required to purchase one $54 retail tax stamp for each retail store location operated by the State or political subdivision thereof.

In 1959 the enactment of the so-called Forand bill included a provision that this same privilege to the State and political subdivisions thereof would be extended with reference to wholesale Federal tax stamps. Therefore, the pending bill is in conformity with and an extension of the previous legislation passed by the Congress.

Paralleling this bill is a recent ruling by the Internal Revenue Service that each officers' or noncommissioned mess which sells such beverages in different locations on the same base be required to purchase only one such stamp.

If this legislation is passed, the 17 control—monopoly—States which operate approximately 2,382 State stores would save approximately $151,952 annually and in addition there would be a future saving for each additional State retail outlet opened by the respective States.

To the Federal Government, as well as to the States, an administrative saving would be brought about by the elimination of the processing of these respective tax stamps for the States.

Also, the municipalities in the following license States would have an approximate annual saving of: Maryland, $864; Minnesota, $12,960; and South Dakota, $5,994.

I ask unanimous consent to have placed in the RECORD, at this point a listing of the total State stores and agencies in the 17 control States and Montgomery County, Md.

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

Total State stores and agencies in the 17 control States and Montgomery County, Md.

State	State stores	State agencies	Total stores	Cost of Federal retail tax stamps
Alabama	75	------	75	$4,050
Idaho	111	------	111	5,994
Iowa	189	------	189	10,206
Maine	72	------	72	3,888
Michigan	94	------	94	5,076
Montana	153	------	153	8,262
New Hampshire	48	------	48	2,592
North Carolina	188	------	188	10,152
Ohio	286	58	344	18,576
Oregon	35	145	180	9,720
Pennsylvania	675	------	675	36,450
Utah	25	56	81	4,374
Vermont	27	16	43	2,322
Virginia	175	------	175	9,450
Washington	86	162	248	13,392
West Virginia	130	13	143	7,722
Wyoming	(1)	(1)	(1)	(1)
Montgomery County, Md.	13	------	13	702
Total	2,382	450	2,832	152,928
Less 1 Federal retail tax stamp per State at $54	------	------	------	972
Net saving to the States	------	------	------	151,956

[1] Wholesale only.

Mr. MORSE. I point out that Oregon and Virginia are among those States. With respect to the subject of State licenses in regard to the selling of liquor, people in many States feel this is the best way to handle the sale of liquor in their States and think it is the best way to keep under fair and reasonable regulation the many problems that arise with regard to the sale of liquor. It has worked out remarkably well in my State. I believe the Senator from Virginia will testify that it has worked out remarkably well in the State of Virginia.

Senators will find there is universal approval of the regulatory program which the 17 States have adopted. The Federal Government should cooperate with them. I do not believe it should, in effect, place a stamp collection burden on them by requiring a stamp for each one of their outlets.

The important thing is to see to it that one stamp is purchased for the State beverage departments. I ask the Senator from Virginia if he will accept the amendment and take it to conference.

It has the backing of the Liquor Control Commission of my own State, and I ask unanimous consent to have printed in the RECORD the telegram I received to this effect from the commission chairman, Mr. Hugh Kirkpatrick of Lebanon, Oreg.

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

LEBANON, OREG., *September 18, 1962.*

Senator WAYNE MORSE,

Senate Office Building, Washington, D.C.:

Your support of H.R. 2016 is very important to State of Oregon. Passage of this bill in the Senate will result in over $9,000 annual saving to the State. Please contact Senate Finance Committee members urging them to support this bill. Senator BYRD and Senator BENNETT are control State Members. Your help is needed. For complete information regarding the bill you can call Mr. Buscher at his office, National Alcoholic Beverage Control Association, Washington, D.C.

HUGH KIRKPATRICK,
Chairman, Oregon Liquor Control Commission.

Mr. MORSE. It is my understanding that the Senator from Virginia looks with favor upon my amendment and understood that such an amendment would be offered on the floor of the Senate to a bill which had been considered by the Committee on Finance.

I ask the Senator from Virginia if he will accept the amendment and take it to conference. I have discussed the liquor stamp problem in connection with States which have their own liquor monopolies. As the Senator knows, this question was discussed in the Committee on Finance. It was expected that the amendment would be offered on the floor of the Senate. My understanding is—and I hope the Senator will correct me if I am mistaken—that the Senator from Virginia looks with favor upon the objectives of the amendment. I ask him if he will take it to conference.

Mr. BYRD of Virginia. The loss to the Treasury would be very small.

Mr. MORSE. Yes; there would be a small loss to the Treasury. I am also advised that the administration does not look with disfavor upon my amendment.

Mr. BYRD of Virginia. I will accept the amendment and take it to conference.

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

Mr. MORSE. I yield to the Senator from Michigan.

Mr. HART. I thank the Senator from Oregon for offering the amendment and express the hope that the conference will be able to retain it.

Mr. MORSE. Besides Michigan, the following States and one county in Maryland, exercise their own control over the handling of liquor: Alabama, Idaho, Iowa, Maine, Montana, New Hampshire, North Carolina, Ohio, Oregon, Pennsylvania, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming; and Montgomery County, Md.

I think Congress should provide those States and county with this amount of help and cooperation.

Mr. BYRD of Virginia. It should be said that the Treasury opposes the amendment.

Mr. MORSE. The Treasury opposes the amendment; but I believe there is support for it in the Department of Commerce.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment was agreed to.

Mr. KERR. Mr. President, I offer an amendment. I ask that the amendment not be read, but that it be printed in the RECORD.

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

The amendment is as follows:

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

"Sec. . (a) Section 1341(b) of the Internel Revenue Code of 1954 (relating to special rules applicable to computation of tax where taxpayer restores substantial amount held under claim of right) is amended by adding at the end thereof the following new paragraphs:

"'(4) For purposes of determining whether paragraph (4) or paragraph (5) of subsection (a) applies—

"'(A) in any case where the deduction referred to in paragraph (4) of subsection (a) results in a net operating loss, such loss shall, for purposes of computing the tax for the taxable year under such paragraph (4), be carried back to the same extent and in the same manner as is provided under section 172; and

"'(B) in any case where the exclusion referred to in paragraph (5)(B) of subsection (a) results in a net operating loss or capital loss for the prior taxable year (or years), such loss shall, for purposes of computing the decrease in tax for the prior taxable year (or years) under such paragraph (5)(B), be carried back and carried over to the same extent and in the same manner as is provided under section 172 or section 1212, except that no carryover beyond the taxable year shall be taken into account.

"'(5) For purposes of this chapter, the net operating loss described in paragraph (4)(A) of this subsection, or the net operating loss or capital loss described in paragraph (4)(B) of this subsection, as the case may be, shall (after the application of paragraph (4) or (5)(B) of subsection (a) for the taxable year) be taken into account under section 172 or 1212 for taxable years after the taxable year to the same extent and in the same manner as—

"'(A) a net operating loss sustained for the taxable year, if paragraph (4) of subsection (a) applied, or

"'(B) a net operating loss or capital loss sustained for the prior taxable year (or years), if paragraph (5)(B) of subsection (a) applied.'

"(b) The amendment made by subsection (a) shall be effective with respect to taxable years beginning on or after January 1, 1962."

Mr. KERR. Mr. President, section 1341 was enacted in 1954 as a relief provision. As indicated in the 1954 Senate Finance Committee report, under prior law if a taxpayer was obliged to repay amounts which he had received in prior years and had previously included these amounts in income because it appeared that he had an unrestricted right to these amounts, he could take a deduction for the full amount in the year of restitution. As indicated by the Senate Finance Committee report, however, the deduction allowed in the current year may not compensate the taxpayer fully for the taxes attributable to this amount in earlier years. The income in the earlier years may have been subject to a higher rate of tax than the taxpayer's current tax rate.

To compensate for this problem, the 1954 Code provided that the taxpayer was to recompute his taxes for the prior years, excluding from income for those years the amount he now has to repay—the amount which was initially included in income in those past years. This alternative computation applies only if it results in a lower tax than the deduction for the current year.

Section 1341 of present law achieves the desired objective where the restoration of the claim of right item does not result in a net operating loss—or net capital loss—in the year of restoration. However, where it does result in such a net operating loss, merely reducing the income to zero in the year of restoration does not fully compensate the taxpayer for the year paid in prior years with respect to this income item. However, for purposes of this computation, the Internal Revenue Service has held that under present law no carryback or carryover is permissible if the deduction is taken in the current year, the year of restoration.

A similar problem may also arise under the alternative computation where the taxes recomputed for the prior years excluding from the income for those years the amounts which had to be restored. For purposes of this alternative computation, the Service has interpreted existing law as permitting net operating losses—and net capital losses—to be carried back or forward but not beyond the current taxable year of restoration. As a result, since net operating loss carrybacks and carryovers are not fully available under either of these alternatives, taxpayers can be worse off with this so-called relief provision than if it did not exist.

This amendment adds two special rules to be used in determining the tax to be paid under section 1341. The first paragraph added provides that where the regular rule, namely, deducting the amount restored in the current year, results in a net operating loss, in determining whether the regular rule or the alternative rule applies is to be carried back, to the same extent and in the same manner as would be true of any regular loss incurred in the taxable year which was wholly unrelated to a claim-of-right restoration. This first paragraph also provides that where the alternative rule applies, namely, excluding the amounts restored from the prior years in which they arose, any net operating loss, in determining which of these two rules applies, is to be carried back from those years, or forward from those years to the current taxable year, in the same manner as could an unrelated net operating loss arising in those years.

The second paragraph provides that where not all of a net operating, or capital, loss is used in years prior to the current taxable year in the computation I have referred to above, any loss still unused is to be available as a carryover to years after the current year. However, such a loss may be carried forward only to the extent an ordinary net operating loss could be carried forward from the year from which it is considered to have arisen. Thus, if the deduction has been taken in the current year there would be 5 years in which the carryforward could be used. If the alternative rule had been used, however, the carryforward would be available for 5 years from the prior year. If this prior year were the second year back of the current year, this would mean that 3 of the 5 carryforward years would still remain after the current year.

Representatives of the Treasury Department have indicated to me that the Treasury recognizes the equity in this proposal and does not have any objection to the enactment of such a provision. The drafting changes, which the Treasury in the past has requested, have been made.

I urge the adoption of the amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I offer the amendment which I send to the desk. I ask unanimous consent that the amendment be printed in full in the RECORD and that it not be read.

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

The amendment is as follows:

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

"SEC. 6. (a)(1) Section 7608 of the Internal Revenue Code of 1954 (relating to authority of Internal Revenue enforcement officers) is amended by adding at the end thereof the following new subsection:

"'(b) Enforcement of Laws Relating to Internal Revenue other than Subtitle E—

"'(1) Any criminal investigator of the Intelligence Division or of the Internal Security Division of the Internal Revenue Service whom the Secretary or his delegate charges with the duty of enforcing any of the criminal provisions of the internal revenue laws or any other criminal provisions of law relating to internal revenue for the enforcement of which the Secretary or his delegate is responsible is, in the performance of his duties, authorized to perform the functions described in paragraph (2).

"'(2) The functions authorized under this subsection to be performed by an officer referred to in paragraph (1) are—

"'(A) to execute and serve search warrants and arrest warrants, and serve subpenas and summonses issued under authority of the United States;

"'(B) to make arrests without warrant for any offense against the United States relating to the internal revenue laws committed in his presence, or for any felony cognizable under such laws if he has reasonable grounds to believe that the person to be arrested has committed or is committing any such felony; and

"'(C) to make seizures of property subject to forfeiture under the internal revenue laws.'

"(2) Such section is further amended by striking out 'Any' and inserting in lieu thereof '(a) Enforcement of subtitle E and other laws pertaining to liquor, tobacco, and firearms.—Any'.

"(b) The amendments made by section (a) shall take effect on the day after the date of enactment of this Act."

Mr. TALMADGE. Mr. President, the purpose of the amendment is to add a new section to 7608 of the Internal Revenue Code giving criminal investigators of the Intelligence Division and of the Internal Security Division of the Internal Revenue Service charged with the duty of enforcing internal revenue laws, the power to execute and serve search warrants and arrest warrants, to make arrests without warrants under certain circumstances and seize property subject to forfeiture under the laws of the United States relating to the internal revenue. The existing authority is now given to employees of the Alcohol and Tobacco Tax Division of the Internal Revenue Service.

Criminal investigators of the Intelligence Division are charged with investigation of alleged criminal tax law violations, including tax fraud, assaults on employees, and racketeer and wagering tax investigations. Criminal investigators under the supervision of the Assistant Commissioner in Charge of Inspection are charged with the investigation of alleged criminal law violations by service employees, acting individually or in conspiracy with outsiders, and investigations of nonservice persons whose criminal actions may adversely affect the integrity and reputation of the service.

At present it is doubtful that these criminal investigators have any greater power than a private citizen to arrest without a warrant or to serve arrest warrants under State law. On April 25, 1960, the U.S. district court at Boston suppressed the evidence obtained by special agents of the Intelligence Division in raids on alleged gambling establishments for the enforcement of the wagering tax laws. The court stated that the criminal investigators of the Intelligence Division of the Internal Revenue Service do not have statutory authority to make arrests without warrant, that the arrests were unlawful, and, therefore, that the evidence obtained as a result of the arrests should be returned to the defendants.

The enforcement of the wagering tax provisions of the code entails the surveillance and raid type of enforcement efforts, including the obtaining and execution of search warrants. An anomalous situation arises when the investigator on a raid may execute the search warrant but cannot execute the accompanying arrest warrant or make an arrest unless a felony or a breach of the peace is being committed in his presence.

By authorizing the criminal investigators to perform certain enforcement functions, the bill will facilitate the performance of the important law enforcement activities with which these officers are charged. The specific statutory authority granted under the bill is similar to the existing statutory authority provided for other law enforcement officers performing comparable duties.

The amendment does not contemplate any change in the usual audit and investigating procedures in civil cases. It will apply only to criminal investigations and criminal cases. The officers authorized to make arrests must carry identifications to make it clear that their authority includes this power.

Mr. President, the Treasury Department and the Director of the Internal Revenue Service have requested this authority as being incidental to the enforcement of the criminal laws. I ask that the amendment be agreed to.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Georgia.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I offer the amendment which I send to the desk. I ask that the amendment not be read but that it be printed in the RECORD.

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

The amendment is as follows:

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

"SEC. . (a) Subchapter A of chapter 38 of the Internal Revenue Code of 1954 (relating to import taxes on petroleum products) is amended by adding at the end thereof the following new section:

" 'SEC. 4522. EXEMPTION.

" 'No tax shall be imposed under section 4521 on any article which is sold for use as fuel on vessels of the United States employed as common carriers on the high seas or the Great Lakes pursuant to certification by the Interstate Commerce Commission.'

"(b) The table of sections for such subchapter is amended by adding at the end thereof the following new item:

" 'SEC. 4522. Exemption."

"(c) The amendments made by subsections (a) and (b) shall apply with respect to articles sold after the date of the enactment of this Act."

On page 2, line 2, after the word "pension" and before the word "plan," insert the words "or annuity."

On page 2, lines 21–22, strike the words "trust instrument," and substitute the word "plan."

On page 2, after line 22, insert the following new sections:

"SEC. 2. Amend section 404(a)(2) to read as follows:

"(2) EMPLOYEES ANNUITIES.—In the taxable year when paid, in an amount determined in accordance with paragraph (1), if the contributions are paid toward the purchase of retirement annuities or retirement annuities and medical benefits as described in section 401(c) and such purchase is a part of a plan which meets the requirements of sections 401(a) (3), (4), (5), and (6) and if refunds of premiums, if any, are applied within the current taxable year or next succeeding taxable year towards the purchase of such retirement annuities or such retirement annuities and medical benefits.

On page 2, line 23, strike out "SEC. 2" and insert "SEC. 3". On page 3, line 1, strike out "SEC. 3" and insert "SEC. 4".

Mr. CURTIS. Mr. President, the amendment relates to the bill itself. It is in the nature of a clerical amendment to carry out what was originally intended. As passed by the House, the bill specifically refers to a qualified pension plan which makes use of a trust.

The bill does not, however, expressly refer to a qualified annuity or insured plan. Essentially, the Federal income tax laws have treated qualified pension plans, whether trusteed or insured, the same.

There is no reason why H.R. 10117 should not follow this approach, and I believe that its failure to do so is an inadvertence. My amendment merely makes certain that the provisions of the bill shall apply equally both to trusteed and annuity or insured plans.

The Treasury Department has written to the chairman of the Finance Committee a letter stating that it has no objection to this amendment.

I hope this amendment, which will maintain the traditional approach our tax law takes to these qualified plans, will be adopted.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter approving this amendment, addressed to the chairman of the Finance Committee, the senior Senator from Virginia [Mr. BYRD], from Stanley S. Surrey, Assistant Secretary of the Treasury.

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

TREASURY DEPARTMENT,
Washington, October 1, 1962.

HON. HARRY F. BYRD,
Chairman, Senate Committee on Finance, Old Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reference to your request for the views of the Treasury Department on a proposed amendment to H.R. 10117 to allow qualified annuity or insured pension plans to provide medical and other benefits for retired employees and their families.

As passed by the House of Representatives, H.R. 10117 specifically permits a qualified pension plan which makes use of a trust to provide medical and other benefits for retired employees and their families. The bill does not, however, expressly refer to a qualified annuity or insured plan. Representatives of the life insurance industry have submitted to us a proposed amendment which would specifically grant qualified annuity or insured plans the same treatment as qualified pension trusts in regard to provision for medical and other benefits. A copy of the proposed amendment is enclosed.

Historically, the same treatment has been provided to qualified pension plans, whether trusteed or insured. Accordingly, the Treasury Department has no objection to the adoption of the proposed amendment.

The Bureau of the Budget has advised the Treasury Department that there is no objection from the standpoint of the administration's program to the presentation of this report.

Sincerely yours,

STANLEY S. SURREY.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. CURTIS].

The amendment was agreed to.

Mr. CURTIS. Mr. President, I submit the amendment which I now send to the desk.

The ACTING PRESIDENT pro tempore. The amendment of the Senator from Nebraska will be stated.

The LEGISLATIVE CLERK. At the end of the bill, it is proposed to insert a new section, as follows:

SEC. . (a) Subchapter A of chapter 38 of the Internal Revenue Code of 1954 (relating to import taxes on petroleum products) is amended by adding at the end thereof the following new section:

"SEC. 4522. EXEMPTION.

"No tax shall be imposed under section 4521 on any article which is sold for use as fuel on vessels of the United States employed as common carriers on the high seas or the Great Lakes pursuant to certification by the Interstate Commerce Commission."

(b) The table of sections for such subchapter is amended by adding at the end thereof the following new item:

"Sec. 4522. Exemption."

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles sold after the date of the enactment of this Act.

Mr. CURTIS. Mr. President, this amendment is designed to carry out the same objective as the measure previously passed by the Senate. The previous legislation permitted vessels engaged in coastwise commerce that were common carriers to have the same privilege with

respect to bunker fuel as a vessel which went from the Atlantic to the Pacific or one which traveled to foreign ports.

The Senate passed the previous measure. In conference, a question was presented in reference to the effect on foreign oil import quotas, because of the manner in which the solution was sought. The Senate receded on that particular amendment. Pursuant to the discussion which followed, this amendment is now drawn, to bring the same relief to these shippers, in a way which will not in any way change or involve the matter of import quotas on petroleum.

Mr. BYRD of Virginia. Mr. President, this amendment was considered this afternoon in the conference with the Ways and Means Committee. The amendment has been revised; and I think that in its revised form it is acceptable. So I shall accept the amendment and take it to conference.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. CURTIS].

The amendment was agreed to.

Mr. MILLER. Mr. President, I offer the amendment which I have at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to add the following new section to the bill.

SEC. 4. (a) Section 824(a)(1)(C) of the Internal Revenue Code of 1954, as added by the Revenue Act of 1962, is amended by inserting before the period at the end thereof the following: ", or one-half of such amount in the case of a taxpayer who elects to compute the concentrated windstorm, etc., premium percentage under paragraph (2)(A)(iii)".

(b) Section 824(a)(2)(A) of the Internal Revenue Code of 1954, as added by the Revenue Act of 1962, is amended by striking out "arising, either in any one State or within 200 miles of any fixed point selected by the taxpayer," and inserting in lieu thereof the following: "arising—

"(i) in any one State;

"(ii) if the taxpayer so elects, within 200 miles of any fixed point selected by the taxpayer; or

"(iii) if the taxpayer so elects, within 400 miles of any fixed point selected by the taxpayer,".

(c) This section shall be effective with respect to taxable years beginning after December 31, 1962.

Mr. MILLER. My amendment is designed to overcome a hardship which exists under section 824 of the Internal Revenue Code, as added by the Revenue Act of 1962, in the case of mutual insurance companies doing casualty underwriting. This section of the bill is designed to reduce the amount of underwritten income subject to tax on the basis of losses. Under the phrasing of the language of the bill, as I understand, only one insurance company in the United States will be put at a competitive disadvantage. This particular company does business in an area approximately 400 miles wide and 1,000 miles long. The section of the code provides for relief in the case of business done within a 200-mile radius.

My amendment provides for an election, whereby an insurance company—there would be only one such insurance company—can elect to make its computation within a 400-mile radius, but will then receive only half the benefits.

This amendment is necessary in order to keep one insurance company from suffering competitive disadvantages which I am sure were not intended by the proponents of the original bill. I have conferred with the manager of the original bill and with the Senator from Delaware [Mr. WILLIAMS]; and I understand that the amendment is acceptable to both of them.

I hope this amendment will be agreed to.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Iowa.

Mr. BYRD of Virginia. Mr. President, the amendment has been rejected by the Ways and Means Committee, and was disapproved by the Finance Committee. So I hesitate to accept the amendment and agree to take it to conference.

Mr. MILLER. Mr. President, I appreciate the position of the Senator from Virginia.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. McCARTHY. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The ACTING PRESIDENT pro tempore. The amendment of the Senator from Minnesota will be stated.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to insert the following:

SEC. . That section 6 of the Temporary Extended Unemployment Compensation Act of 1961 (75 Stat. 8) is amended to read as follows:

"COVERED PERIOD

"SEC. 6. In the case of any individual, the covered period referred to in sections 3 and 4 is the period—

"(1) beginning on whichever of the following is the later:

"(A) April 8, 1961, or

"(B) the day after the date on which any applicable agreement is entered into under section 7 or 8, and

"(2) ending—

"(A) on February 28, 1963, or

"(B) on May 31, 1963, in the case of an individual who (for a week beginning before March 1, 1963) had a week with respect to which temporary extended unemployment compensation was payable under section 3, reimbursement was payable under section 4, or reimbursement would have been so payable but for the fact that the unemployment compensation was payable under title XV, with the exception of the period—

"(3) beginning—

"(A) on April 1, 1962, or

"(B) on July 1, 1962, in the case of an individual who (for a week beginning before April 1, 1962) had a week with respect to which temporary extended unemployment compensation was payable under section 3, reimbursement was payable under section 4, or reimbursement would have been so payable but for the fact that the unemployment compensation was payable under title XV, and

"(4) ending on November 3, 1962."

Mr. MANSFIELD. Mr. President, it appears that this amendment will be the last amendment to the pending measure. I have discussed with the Senator from Minnesota [Mr. McCARTHY] and with the chairman of the committee, the senior Senator from Virginia [Mr. BYRD], the possibility of obtaining a limitation on the time available for the further consideration of the amendment.

At this time I ask unanimous consent that 15 minutes be allotted for the further consideration of the amendment—with 10 minutes to be under the control of the Senator from Minnesota [Mr. McCARTHY] and 5 minutes to be under the control of the chairman of the committee, the senior Senator from Virginia [Mr. BYRD].

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

Mr. McCARTHY. Mr. President, this amendment extends the Temporary Extended Unemployment Compensation Act of 1961 for 4 months. Eligibility for the unemployed to qualify for benefits under the act expired last April. This amendment would extend it from November 4, 1962, to March 1, 1963, to be followed by a 3-month phaseout period during which those who qualify before March 1 can continue to receive benefits.

The act of 1961 provided up to 13 weeks of additional benefits for those exhausting their rights under State programs. This amendment does not change the law in any respect, except by extending the dates of eligibility.

The amendment will not impose a new tax. The program will be financed from the estimated $172 million surplus which will accumulate under the special Federal unemployment tax provided in the act of 1961.

An estimated 600,000 long-term unemployed will be eligible for benefits under the 4-month extension, at an average weekly benefit amount of $31.70.

Over 120,000 unemployed per month have exhausted their benefit rights under State programs since eligibility for TEUC benefits terminated April 1, 1962.

The rate of unemployment, seasonally adjusted, was 5.8 percent for the month of August; 934,000 had been unemployed 15 weeks or more and 593,000 had been unemployed 27 weeks or more in August. This was higher than in June or July, when the numbers were 584,000 and 576,000, respectively.

Mr. President, in regard to the need for this program, I see no significant difference between the situation today and the need which existed in 1961 or 1958, when the Congress approved temporary unemployment compensation programs. In 1958 there were 4,681,000 unemployed. In June of this year there were 4,463,000 unemployed.

Those who are out of work and who exhaust their benefit rights under State programs this winter will be just as much in need as were those who were unemployed in 1961 or in 1958, when this program was in effect.

It seems to me that we leave ourselves in a somewhat embarrassing position if at this point we fail to extend these benefits out of revenue which has already been levied for this purpose, inasmuch as we have already acted to grant so many millions of dollars of tax relief in order to provide benefits for those who are self-employed; and inasmuch as we

have already provided, for the benefit of the large corporations, relief by means of the investment credit and accelerated depreciation. In my judgment we should provide that funds already collected for the purpose of extending benefits to the unemployed be allocated for their use during the winter months of 1962 and 1963.

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

Mr. McCARTHY. I will yield to the Senator in a moment, if I may make one more point.

I remind Senators that the amendment which I am offering was not the subject of hearings by the Senate, but it was considered by the Ways and Means Committee. It failed by a single vote to come out of the House Ways and Means Committee. If it had, there would have been favorable action on it.

There is no need for hearings, because the facts now are generally the same as they were in 1961 and in 1958, and we need not apologize to the Ways and Means Committee, because we impose no tax in what we propose.

On March 1 last year the Temporary Extended Unemployment Compensation Act—which my amendment would extend for 4 months—passed in the House by a vote of 392 to 30, and on March 16 the Senate passed it by a vote of 84 to 4.

It seems to me, in view of the votes taken last year and the fact that the same situation exists today, no argument should be made against the proposal based on the fact that no hearings were held and that this is not a proper time to act.

I yield now to the Senator from Oregon.

Mr. MORSE. Mr. President, I want to associate myself with every word the Senator from Minnesota has spoken. We can take judicial notice of the pockets of unemployment that pockmark the whole economy from coast to coast. There is not a Senator who is not aware of serious pockets of unemployment in his State. It is true in every State. We have an emergency situation for which emergency funds were appropriated in the first place.

I ask the Senator from Minnesota this question: Is it not true that there is about $125 million in the Treasury unspent that was appropriated originally in connection with this program?

Mr. McCARTHY There will be $172 million that either has been collected or will be collected under the existing tax provision.

Mr. MORSE. With the winter months coming, and each of us knowing that in the winter months there is an increase in the level of unemployment, I do not understand how Congress could even think of adjourning without providing for the use of that money to take care of the very serious unemployment pockets which, as I have said, pockmark our country.

Those of us who support the amendment are pleading not only for the unemployed, but for the businessmen in the areas where unemployment exists. Originally there was a great deal of opposition on the part of businessmen to unemployment insurance. Today not one in a dozen businessmen can be found who opposes unemployment insurance, because they know that unemployment insurance, like social security, has come to be the great equalizer of the Main Streets of America in time of depression and unemployment.

I think the Senator from Minnesota is deserving of high compliment for the leadership he is taking in this respect. I hope his amendment will be adopted.

Mr. McCARTHY. Mr. President, I thank the Senator from Oregon. I reserve the remainder of my time. Will the Presiding Officer tell me how much time I have remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 4 minutes remaining.

Mr. BYRD of Virginia. Mr. President, I am opposed to this amendment. Twice Congress has enacted programs for temporary extended unemployment compensation benefits—once in 1958 and again in 1961. That legislation was called antirecession. In both of those periods we were in recessions. We are not in a recession now.

In March 1961, when the Temporary Extended Unemployment Compensation Act was approved, there were 5,495,000 unemployed workers throughout the Nation and 3.5 million of them were eligible for unemployment compensation. In September 1962, there were only 3,512,000 unemployed, and of these only 1,507,000 would be eligible for unemployment compensation. Only individuals who are eligible for unemployment compensation and who exhaust their regular benefits would be entitled to extended benefits.

This amendment should not be adopted. The situation which prevailed when the Temporary Extended Unemployment Compensation Act of 1961 was adopted does not exist now. When Congress acted in March 1961, the unemployment rate was very nearly 7 percent. At the present time, it is under 6 percent. Moreover, the number of unemployed individuals who exhausted all their State benefits in 1961 was nearly triple the current rate and was expected to get worse. According to estimates made by the Secretary of Labor in 1961, the number of exhaustions per month was as follows:

March	240,000
April	290,000
May	300,000
June	310,000
July	300,000

The Secretary of Labor stated in public hearings that under the proposed extension the number of exhaustions would be only about 100,000 a month. Under these circumstances, I do not believe a case has been made for further extending this temporary program. If the program is extended, the precedent will be established for Federal intervention in unemployment compensation administration in nonrecession periods, and this in turn could lead to federalization of the entire State unemployment compensation programs.

The House Ways and Means Committee rejected an amendment similar to this in executive session following hearings. The hearings convinced them this legislation was not wise.

We do not know how many of the unemployed who have exhausted their regular State benefits would qualify for Federal benefits under the Area Redevelopment Act of 1962 or the Manpower Training Act of 1962.

I hope the amendment will be rejected.

Mr. McCARTHY. Mr. President——

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

Mr. McCARTHY. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I urge the attachés to call Senators on both sides to get them to the Chamber, because I understood there will be a yea and nay vote on the amendment.

Mr. McCARTHY. Mr. President, I have been asked to request a yea and nay vote on the amendment.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The absence of a quorum has been suggested, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

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

The Senator from Minnesota has 4 minutes remaining and the Senator from Virginia has 2 minutes remaining.

Mr. McCARTHY. Mr. President, I yield 1 minute to the Senator from New Jersey [Mr. CASE].

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized for 1 minute.

Mr. CASE. Mr. President, I hope that the Senate will approve this amendment. It is a poor thing at best, but it is the very least we can do at this stage. The Senator from Minnesota deserves great credit for bringing it up, though he knows and I know that we both think what ought to be done, really, and what should have been done a long time ago, is a deep revision of the unemployment compensation system, established Federal standards countrywide, which are up to date and modern, to take care of the problems of the people of this country.

Since that seems to be impossible, and the efforts to do so over the many years have been uniformly unsuccessful, the least we can do is not to adjourn without taking this essential action.

I thank the Senator from Minnesota.

Mr. BYRD of Virginia. Mr. President, is the Senator from Minnesota willing to yield back the remainder of his time?

Mr. McCARTHY. I should like to make a short statement first.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota has 3 minutes remaining.

Mr. McCARTHY. Mr. President, the distinguished senior Senator from Vir-

ginia quoted the Secretary of Labor as saying that exhaustions have been running something under 100,000 per month or that such might be expected. I note that the statement made by the Secretary seems to have been rather optimistic. That was his estimate, but the number has been running approximately 120,000 to 125,000 since last April.

Mr. BYRD of Virginia. I say to the Senator that the estimate he calls optimistic was made not long ago, on August 22.

Mr. McCARTHY. That is correct. I say, the Secretary was unduly optimistic.

Mr. BYRD of Virginia. He has not made any correcting statement.

Mr. McCARTHY. He has been corrected by the statistics. In the course of this long session it has been possible to count the number of exhaustions. The chairman quoted the Secretary accurately, but the Secretary's estimate was below the actual figures for the past 4 months. The number of exhaustions is running approximately 20 percent higher than the estimate made by the Secretary.

Mr. President, I should like to quote briefly from an article published in the New York Times today, which notes:

> The national unemployment rate remained at 5.8 percent of the total labor force in September, the Labor Department reported today.
>
> The Department's labor market experts had expected a drop because of the freakish circumstances that pushed the rate from 5.3 percent in July to 5.8 percent in August.
>
> The fact that the decline did not materialize was regarded by Government experts as bad economic news.

Certainly that is bad economic news for the unemployed, and bad economic news for those who will be without work this winter.

It is also stated in the article:

> Mr. Wolfbein said that he hoped the unemployment rate would go down this month, but added that he did not forsee any big change in either direction.

On the basis of the statistics and the facts which are significant, the record is bad. The temporary unemployment compensation extension is, in my judgment, nearly as necessary this year as it was in 1961 and almost as necessary as it was in 1958, on a purely quantitative basis. If we approach it on what might be called the qualitative or personal basis, trying to meet the needs of those who are unemployed, it is as necessary for those who are out of work today as it was for those who were out of work in 1961 and in 1958 when we met their needs by legislative action

Questions have been raised about the accuracy of data on unemployment. This matter has been studied by the Special Committee To Appraise Employment and Unemployment Statistics, appointed by President Kennedy last November. The Committee made its report last week, and its conclusion is that the level of unemployment in the United States is not exaggerated by the official statistics.

I ask unanimous consent that excerpts from the Committee's letter of transmittal to the President be printed in the RECORD, and also that the article from the New York Times be printed.

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

[From the letter of transmittal to the President]

As you stated in your letter of appointment, the official statistics on employment and unemployment are of vital importance as measures of the economic health of the Nation. In recognition of this, the Committee has subjected the official system of collecting, processing, and reporting data on employment and unemployment to an exhaustive study. The Committee has also attempted to evaluate the data now available in terms of the anticipated future expansion in the uses to which these statistics will be put. Finally, the Committee has had prepared the most searching international comparison of unemployment rates, which has yet been made.

We are happy to be able to report to you, on the basis of this intensive scrutiny, that the United States has the most comprehensive system of statistics on employment and unemployment of any country in the world. In view of the public debate that preceded the appointment of this Committee, we believe it is appropriate to reproduce here one of our most important conclusions:

"After careful investigation, the Committee has unanimously and categorically concluded that doubt concerning the scientific objectivity of the agencies responsible for collecting, processing, and publishing these data is unwarranted. The Committee remains highly impressed by the professional qualifications and the scientific integrity and objectivity of those responsible for the system of reporting the official data on employment and unemployment."

[From the New York Times, Oct. 5, 1962]

UNEMPLOYED RATE REMAINS AT 5.8 PERCENT—DROP EXPECTED LAST MONTH DID NOT MATERIALIZE

(By John D. Pomfret)

WASHINGTON, October 4.—The national unemployment rate remained at 5.8 percent of the total labor force in September, the Labor Department reported today.

The Department's labor market experts had expected a drop because of the freakish circumstances that pushed the rate from 5.3 percent in July to 5.8 percent in August.

The fact that the decline did not materialize was regarded by Government experts as bad economic news.

There were some brighter aspects in today's preliminary report on last month's labor market, however.

The number of workers unemployed for 6 months or longer dropped by 116,000 last month to 477,000. This was the first time in 2 years that the number had been below 500,000. Labor Department experts were unable to say whether those who left the ranks of the long-term unemployed had found jobs or had simply stopped looking.

August's sharp rise in the unemployment rate, which is adjusted seasonally, was attributed to two factors.

One was the inclusion among the unemployed, for technical reasons, of large numbers of teachers who planned to return to work in September.

The other was the fact that the count was taken in a week of unusually high unemployment in the automobile industry. This was caused by production shutdowns to prepare assembly lines for the manufacture of the new models.

Those factors were eliminated last month, according to Seymour L. Wolfbein, Deputy Assistant Secretary of Labor. He said that a drop in the unemployment rate among adult men from 4.9 to 4.6 percent reflected the return of large numbers of automobile workers to their jobs. The teachers were also presumed to be back in the classroom.

What kept the overall unemployment rate from declining, according to Mr. Wolfbein, was that adult women entered the labor force in unexpectedly large numbers, and many teenagers remained unemployed.

RECORD EMPLOYMENT

The unemployment rate among adult women rose from 5.8 to 6.1 percent in September. Among teenagers, it rose from 12.2 to 13.2 percent. The effect was to offset the decline in the unemployment rate among adult men and leave the overall rate unchanged.

Total unemployment, at 3,512,000, was 410,000 below the August level. This was about what was expected as an overall seasonal decline. Unemployment was 573,000 less than in September 1961, when the rate was 6.8 percent. It was 124,000 above September 1960, when the rate was 5.7 percent.

Total employment declined by about 1,100,000 in September, the Labor Department said. This was a larger drop than was expected for the season. An unusually large number of teenagers, about 2 million of them, left the labor market to return to school. This was about 300,000 more than was expected.

Despite the decline, however, total employment, at 68,668,000, was a record for the month. The nonfarm sector of the employment statistics was also a record at 63,103,000.

The total labor force declined by 1,516,000 last month to 72,179,000. This was a drop slightly larger than expected at this time of the year. Over the year, the labor force showed a growth of 1,056,000.

Mr. Wolfbein said that he hoped the unemployment rate would go down this month, but added that he did not foresee any big change in either direction.

Mr. McCARTHY. Mr. President, I have no further requests for time. I yield back the remainder of my time and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. The Senator from Virginia has 2 minutes remaining.

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

Mr. BYRD of Virginia. I yield to the Senator from Montana.

ORDER FOR ADJOURNMENT UNTIL MONDAY NEXT

Mr. MANSFIELD. Mr. President, for the information of the Senate, I wish to announce that when the Senate adjourns tonight it will adjourn to meet on Monday next.

Mr. President, I ask unanimous consent that when the Senate concludes its business today it stand in adjournment to meet at 12 o'clock noon on Monday next.

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

Mr. JAVITS. Mr. President, will the Senator yield? Does the Senator have any idea as to the situation next week, as to the number of days involved? I am not asking this facetiously.

Mr. MANSFIELD. I wish I knew myself. It looks as though we shall be here anywhere from next Tuesday to next Saturday.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954 WITH RESPECT TO MEDICAL AND OTHER BENEFITS FOR RETIRED EMPLOYEES

The Senate resumed the consideration of the bill (H.R. 10117) to amend section 401 of the Internal Revenue Code of 1954 to provide that plans which provide certain medical and other benefits for retired employees and their families may be qualified pension plans.

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

Mr. MANSFIELD. I yield.

Mr. MILLER. I should like to ask the Senator from Montana a question. I do not know whether there are 51 Senators available.

Mr. MANSFIELD. I am sure there are.

Mr. MILLER. That answers the question.

Mr. MANSFIELD. I hope there are.

Mr. MILLER. Mr. President, if there are not that many available, will not the Senate have to adjourn until tomorrow, to complete the call of the roll on the pending amendment?

Mr. MANSFIELD. It could adjourn until Monday to complete the vote, if necessary, but I hope the Senator will not hold such thoughts in his mind—unless they are true.

The ACTING PRESIDENT pro tempore. All time has been yielded back. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. McCARTHY]. On this question 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 New Mexico [Mr. ANDERSON], the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. BIBLE], the Senator from Nevada [Mr. CANNON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from California [Mr. ENGLE], the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. HILL], the Senator from Washington [Mr. JACKSON], the Senator from Tennessee [Mr. KEFAUVER] the Senator from Ohio [Mr. LAUSCHE], the Senator from Washington [Mr. MAGNUSON], the Senator from Arkansas [Mr. McCLELLAN], the Senator from Wyoming [Mr. McGEE], the Senator from Maine [Mr. MUSKIE], the Senator from Massachusetts [Mr. SMITH], the Senator from Missouri [Mr. SYMINGTON], the Senator from South Carolina [Mr. THURMOND], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from Colorado [Mr. CARROLL], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Wyoming [Mr. HICKEY], and the Senator from Missouri [Mr. LONG] are necessarily absent.

I further announce that if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Colorado [Mr. CARROLL], the Senator from New Mexico [Mr. CHAVEZ], the Senator from California [Mr. ENGLE], the Senator from Tennessee [Mr. GORE], the Senator from Washington [Mr. JACKSON], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Washington [Mr. MAGNUSON], the Senator from Wyoming [Mr. McGEE], the Senator from Maine [Mr. MUSKIE], the Senator from Massachusetts [Mr. SMITH], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Ohio [Mr. YOUNG] would each vote "yea."

On this vote, the Senator from Mississippi [Mr. EASTLAND] is paired with the Senator from Pennsylvania [Mr. CLARK]. If present and voting, the Senator from Mississippi would vote "nay," and the Senator from Pennsylvania would vote "yea."

On this vote, the Senator from Arkansas [Mr. McCLELLAN] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from Arkansas would vote "nay," and the Senator from Alaska would vote "yea."

On this vote, the Senator from Ohio [Mr. LAUSCHE] is paired with the Senator from Missouri [Mr. LONG]. If present and voting, the Senator from Ohio would vote "nay," and the Senator from Missouri would vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Utah [Mr. BENNETT], the Senator from South Dakota [Mr. BOTTUM], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Kansas [Mr. CARLSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Arizona [Mr. GOLDWATER], the Senator from Idaho [Mr. JORDAN], the Senator from Kentucky [Mr. MORTON], the Senator from Kansas [Mr. PEARSON], the Senator from Texas [Mr. TOWER], and the Senator from Wisconsin [Mr. WILEY] are necessarily absent.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate.

The Senator from Colorado [Mr. ALLOT] is absent by leave of the Senate on official business as a U.S. representative to the General Assembly of the United Nations.

I also announce that the Senator from Delaware [Mr. BOGGS], the Senator from South Dakota [Mr. MUNDT], the Senator from New Hampshire [Mr. MURPHY], and the Senator from North Dakota [Mr. YOUNG] are necessarily absent.

If present and voting, the Senator from Vermont [Mr. AIKEN] and the Senator from Delaware [Mr. BOGGS] would each vote "yea."

The result was announced—yeas 40, nays 15, as follows:

[No. 309 Leg.]

YEAS—40

Beall	Humphrey	Neuberger
Burdick	Javits	Pastore
Bush	Keating	Pell
Byrd, W. Va.	Kerr	Prouty
Case	Kuchel	Proxmire
Church	Long, Hawaii	Randolph
Cooper	Long, La.	Scott
Dirksen	Mansfield	Smathers
Dodd	McCarthy	Smith, Maine
Douglas	McNamara	Sparkman
Fong	Metcalf	Williams, N.J.
Hart	Monroney	Yarborough
Hartke	Morse	
Hayden	Moss	

NAYS—15

Byrd, Va.	Hruska	Russell
Curtis	Johnston	Saltonstall
Ellender	Jordan, N.C.	Stennis
Ervin	Miller	Talmadge
Holland	Robertson	Williams, Del.

NOT VOTING—45

Aiken	Cotton	Magnuson
Allott	Eastland	McClellan
Anderson	Engle	McGee
Bartlett	Fulbright	Morton
Bennett	Goldwater	Mundt
Bible	Gore	Murphy
Boggs	Gruening	Muskie
Bottum	Hickenlooper	Pearson
Butler	Hickey	Smith, Mass.
Cannon	Hill	Symington
Capehart	Jackson	Thurmond
Carlson	Jordan, Idaho	Tower
Carroll	Kefauver	Wiley
Chavez	Lausche	Young, N. Dak.
Clark	Long, Mo.	Young, Ohio

So Mr. McCARTHY's amendment was agreed to.

Mr. McCARTHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD subsequently said: Mr. President, on behalf of the Senator from South Carolina [Mr. THURMOND], who was unavoidably detained on official business, I announce that if the Senator from South Carolina had been present and voting when the vote was taken on the question of agreeing to the amendment of the Senator from Minnesota [Mr. McCARTHY], the Senator from South Carolina would have voted "nay."

MESSAGE FROM THE HOUSE

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

S. 1288. An act to amend section 362(b) of the Communications Act of 1934;

S. 1563. An act to authorize the conveyance of certain lands within the Clark Hill Reservoir, Savannah River, Georgia-South Carolina, to the Georgia-Carolina Council, Inc., Boy Scouts of America, for recreation and camping purposes;

S. 2454. An act to amend the housing amendments of 1955 to make Indian tribes eligible for Federal loans to finance public works or facilities, and for other purposes; and

S.J. Res. 235. Joint resolution to extend the time during which loans for mass transportation facilities may be made under title II of the housing amendments of 1955.

The message also announced that the House had passed the bill (S. 3361) to facilitate the entry of alien skilled specialists and certain relatives of U.S. citizens, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 7781) to authorize the Administrator of General Services to convey by quitclaim deed a parcel of land in Prince Georges County, Md., to the Silver Hill Voluntary Fire Department and Rescue Squad.

The message also announced that the House had agreed to the amendment of

the Senate to the bill (H.R. 8874) to authorize certain banks to invest in corporations whose purpose is to provide clerical services for them, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1658) to amend the act of January 2, 1951, prohibiting the transportation of gambling devices in interstate and foreign commerce.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3389) to promote the foreign commerce of the United States through the use of mobile trade fairs.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10129) to amend the act of September 7, 1957, relating to aircraft loan guarantees.

TRIBUTE TO EUSTACE CULLINAN

Mr. KUCHEL. Mr. President, one of San Francisco's most illustrious senior citizens, Eustace Cullinan, was signally honored on September 30 in a feature story printed in the San Francisco Examiner. The story, written by Anita Day Hubbard, tells of an inspiring career spent in public service and also serves as a reminder to those who approach their sunset years that they can still contribute significantly to the public welfare, despite the encroachments of advancing age.

Mr. Cullinan's career is particularly interesting to me because it was so closely alined, in earlier years, with the late Senator Hiram W. Johnson, whom California greatly revered and respected.

I ask unanimous consent to have this delightful story of a delightful personality reprinted in the RECORD.

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

A REWARDING CAREER

(By Anita Day Hubbard)

Eustace Cullinan was 19 in 1895 when he came back to his hometown from Notre Dame University in Indiana with an A.B. degree, took a job as a reporter on the old San Francisco Bulletin, under the crusading editor Fremont Older, enrolled in Hastings College of Law, won his law degree in 1898, and was admitted to the California Bar that year.

The University of San Francisco gave him a master's degree in 1907.

In the meantime he had graduated long since from reporter to top editorial writer on the Bulletin.

After he opened a law office with his classmate, Thomas W. Hickey, he kept on writing pungent editorials dealing with the turbulent political and civic problems of the period, in which the Bulletin played a potent role.

He is 86 now, with a spectacularly successful career in the law, a long and well-documented influence in the history of the State and city to his credit, and still writes a clever column of reminiscence in the Recorder, legal newspaper here.

He is active senior partner in the law firm of Cushing, Cullinan, Hancock, and Rothert, with offices in the Shell Building, pursues his scholarly hobby in the study of medieval calligraphy, and reads voluminously, with an emphasis on history.

He was born in San Francisco, on January 26, 1876.

His grandfather had come to the States from Ireland in the 1840's. His father arrived in San Francisco in 1862, and set up as a commission merchant. His mother, New York born, was of Scotch-Irish descent.

His formal education completed, his law office opened and his newspaper career long launched, Eustace Cullinan decided that politics was interesting.

He persuaded one of his clients, M. J. Hynes, to run for public administrator, managed the campaign and won it.

By the next election time, Abe Reuf had taken over as political "boss," and Hynes lost out, but come next election, Hynes, with Cullinan as mentor, went back in, and stayed for 23 years.

From his first essay into the political scene, Eustace Cullinan was always active.

For the 22 years of James Rolph, Jr.'s, mayoralty, and his 4 years as Governor, Cullinan was his close adviser. He was in the intimate circle of Hiram Johnson's term as Governor, and later on played an important role in the administration of Gov. Frank Merriam. He never accepted a salaried appointment from any of them.

His legal career has always been active and challenging.

After he had defended several libel suits successfully for the Bulletin, the owner, R. A. Crothers, along with a number of others who had been burned out in the big holocaust of 1906, found that their insurance, placed with a large German and an Austrian company, had been completely defaulted.

Young Cullinan set out for Europe, with some $300,000 in claims, tried the suits in the companies' own jurisdiction, and came back triumphantly with a full settlement from all of them.

He has been much in demand as a trial lawyer, and well known as a gifted orator, an important factor in the courts of those days.

He served for 5 years on the committee of examiners of the State bar, has published many articles in legal journals, was a member of the American Law Institute, wrote the State Bar Act of California, and a book on "Preparation for Trial of Civil Cases," with Herbert W. Clark of San Francisco, which ran through many editions. He was chairman of the advisory and editorial committee on bar examinations and admissions, a substantial part of the monumental "Survey of the Legal Professions," published in 1952.

He served for 31 years as trustee of the San Francisco Public Library beginning under the mayoralty of James D. Phelan, and as director of war savings for San Francisco during World War I, among other unsalaried public services.

He is a two time past president of the Bohemian Club, where he is still an active member.

In 1902 he married Katherine F. Lawler, niece of Chief Justice Matt I. Sullivan and Associate Justice Jeremiah F. Sullivan of the supreme court of California.

They had four sons, Judge Eustace Cullinan, Jr., Matthew, an engineer, both deceased, Vincent, now his father's law partner, and Gerald, who took a Master's degree at Oxford and is now head of an important public relations firm in Washington, D.C.

There are four grandchildren. The oldest, Terence, graduate of Stanford, has just been granted a Fulbright scholarship.

Mrs. Cullinan died in 1960 after more than 57 years of marriage. The board of supervisors adjourned in her memory.

IMMIGRATION LEGISLATION

Mr. JAVITS. Mr. President, I wish to call attention to the fact that at a time when I was not in the Chamber, the Senate acted today, as did the House later, upon S. 3361, the only immigration bill of any general character I regret to say, which may be enacted in this session of Congress.

The bill deals with several items; one is the category of approved first preference applicants, approximately 10,000, whose quota numbers are oversubscribed under our outmoded immigration laws and whose skills are critically needed for our national defense effort. On that subject I introduced a bill, S. 2956, on March 8, 1962. In substance it is identical to the language incorporated in S. 3361, which was passed today, but which was not introduced until May 1962. I am delighted that this job has been done, which is so essential to our national security.

I also express my pleasure at the admission of some 16,000 fourth-preference immigrants, which is also provided for in the bill which was passed.

Nevertheless, I again point out that we are derelict in not having passed general immigration legislation, to deal with the injustices and inequities of the McCarran-Walter Act. The President has not asked for it, and he should have asked for it. This is one of the great pieces of unfinished business of Congress.

I also point out that if the people of New York return me to the Senate, I shall do my utmost to make this one of the real struggles in any ensuing term of office I have here.

I believe that the honor and dignity, the national interest and natural humanitarian feelings of the people of the Nation dictate that we must do away with this immigration law, with its injustices and inequities, upon which so many of us agree, but about which, somehow or other, we cannot break through the hard crust of getting action because of the opposition and because of the situation with respect to high committee positions that we have encountered. I pledge myself to the people of New York, if they return me to the Senate next year, to dedicate myself to do my best about this situation.

IMMIGRATION BILL REVISED TO UNITE FAMILIES

Mr. HART. Mr. President, earlier today the Senate passed S. 3361, which provides for the nonquota admission of certain aliens with special skills and training and for certain relatives of American citizens. I commend the senior Senator from Rhode Island [Mr. PASTORE] for the sponsorship of this measure. It will grant permanent residence status to several thousand highly skilled specialists—engineers, scientists, and others whose services are urgently needed in our economy. It also will make possible the reunification of several

thousands of families presently separated because of the limitations of our general immigration statutes.

This is the second time in the 87th Congress that it has been necessary to enact legislation to circumvent the strictures of the Immigration and Nationality Act of 1952. I would like to note that similar legislative action has been necessary in every Congress which has convened since the 1952 act was passed. Obviously an act which requires supplemental action so frequently has failed to fulfill the requirements of public policy, and it is time that we reexamine it in its entirety.

In March of this year, 25 Senators joined me in the sponsorship of S. 3043 to completely revise our present immigration quota system based on national origins. I have been greatly encouraged by the warm response the bill has met. It has received the endorsement of a number of the leading religious and social organizations active in the field of immigration. It has received favorable editorial comment in several of the leading newspapers and news magazines of the Nation. Most gratifying of all, has been the unsolicited responses of hundreds of individuals throughout the United States expressing their warm approval of a fairer and more equitable method of selecting those immigrants who will be welcomed to our shores.

The bill introduced last March was the product of many months of painstaking study and extensive consultation with leading authorities in the immigration field. I believe it is a very good bill. Nevertheless, consultation has continued. The bill has provided a specific proposal which has stimulated broad public discussion and study of immigration policy. The months since its introduction have been most productive in creating public awareness of the need for a constructive forward-looking immigration policy.

When Congress reconvenes in January of 1963, I shall reintroduce the bill—possibly with some minor changes prompted by the detailed study which has been possible over the past several months. The basic elements and objectives of the bill will remain unchanged.

It is my hope that at the time of reintroduction of the bill many more Senators will join us in its sponsorship. I am convinced that the people of America will give their enthusiastic endorsement to an enlightened immigration policy which will better serve our Nation in the achievement of its goals.

WESTERN LAND AND PEOPLE CONFERENCE

Mr. MORSE. Mr. President, more than 1,700 rural leaders from the western region of the Nation gathered in Portland, Oreg., on October 1 and 2 at the western regional Land and People Conference sponsored by the U.S. Department of Agriculture.

The purpose of the Conference was for the Department of Agriculture to have a means of counseling with rural leaders to find ways and means of strengthening rural America, of providing for adequate family farming, and stimulating economic growth throughout the rural areas of the Nation.

The Conference featured Secretary of Agriculture Orville L. Freeman as keynote speaker, a regional speaker, 10 rural leader panelists, and 4 discussion groups. The Conference was reported in some detail in the Oregon Journal on October 3 by Journal Staff Writer Jerry Tippens. I asked unanimous consent to place Mr. Tippens' account of the conference in the CONGRESSIONAL RECORD.

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

RURAL AREAS DEVELOPMENT GIVES TOOLS FOR AID—LAND MEET ATTENDED BY 1,700

(By Jerry Tippens)

Rural areas development provides rural America with the tools to overcome many of its economic problems.

That was the consensus of more than 1,700 persons who attended the Land and Peoples Conference of the United States which concluded here Tuesday.

Representing seven Western States, they listened to Secretary of Agriculture Orville Freeman and a series of other experts, then expressed their opinions in group discussions Monday night.

Discussion leaders said that along with the RAD program other important phases of rural economic recovery were found to include the multiple-use concept of land use, such as that applied to national forests, the introduction of commercial recreation as a function of the family farm, and total area development planning.

John A. Baker, Assistant Secretary of Agriculture, used the recommendations to summarize the wishes of the Conference.

This was the second of five Land and Peoples Conferences. From them, Freeman hopes to find a basis for an acceptable farm program, create a better understanding between urban and rural people, and inspire rural communities to take advantage of RAD to better their standards of living.

John R. Allen, Mesa, Ariz., who led a discussion on strengthening rural development, said his group found a general misunderstanding of the RAD concept. It consists of, he said, local organization and planning in a self-help program utilizing Federal assistance where it is needed.

He said his group called for a better adjustment to change, pointing out that some farms are not too small to be sound economic units, and others are too big, extending beyond family farming management.

Dean Ernest Wohletz, of the University of Idaho College of Forestry, who headed a discussion on new uses of land, water, and conservation in expanding income, said recreational development on the family farm offers a major potential. Federal benefits will reach their maximum effect by applying multiple use to family farms and family forests, he said.

But his group feels RAD must be made more easily understood and better communications established between local committees and Government agency heads who make up the technical advisory panel. There is a need for technical assistance and better education, he continued. Fees must be established on public recreation areas to make private developments profitable, the group suggested. A more complete network of access roads is the answer to public use, Wohletz said.

Dean F. E. Price, Agriculture Extension Service director at Oregon State University, whose discussion group dealt with planning economic development, said a thorough community-side plan is the most valuable document a community can have. His group believes hundreds of copies should be printed to give to anyone who might help.

The area of planning should not be too small, he said, telling of a county that had four separate groups working independently. They began to make notable progress when they combined, he said. Cooperation between RAD committees and chambers of commerce is vital, he asserted.

He said there are countless State and Federal agencies who can help RAD programs, but a start at a local level is needed before their assistance is available.

One suggestion his group made is that a better source of information of participating agencies be established in each State. Communities that have already a prepared plan can assist other communities who are looking for a way to get started, he recommended.

Joe Dwyer, of the Washington State Department of Agriculture, said his group of rural-urban planning believes zoning is necessary for orderly development as suburbs spread to rural areas. Without planning, he found, problems range from a new tax base to the breakdown of community traditions and communications.

CONFIDENCE FELT AS PARLEY ENDS

An underlying confidence in the future of rural America was punctuated by the enthusiasm for two new concepts in attacking problems of farms and forests as the seven-State Land and Peoples Conference closed here Tuesday.

They are rural-areas development and the multiple-use approach to all rural lands.

From the millions of words expressed by most of the 1,700 in attendance, these two thoughts emerged as dominant.

John A. Baker, Assistant Secretary of Agriculture, who had the task of funneling the questions asked, the answers given, and the opinions expressed into a workable plan of action, found them to be the consensus of the convention.

Baker's summary picked out the key points of the proposals presented by four discussion leaders who had led massive discussion groups Monday night. It was there that the grassroots farmers, businessmen and local leaders of Oregon, Washington, Idaho, California, Arizona, Utah and Nevada expressed themselves.

Their viewpoints were based in part on addresses they had heard during the day when a parade of speakers dealt with a variety of problems and solutions.

But it was Secretary of Agriculture Orville Freeman, chairman of the convention, who built the enthusiasm.

He recognized the cost-price squeeze of the farmer, the number of rural people forced from their homes by a sagging economy, and their lack of training for other work.

Then Freeman, a practical politician who carried his experience in dealing with farm problems from his service as Minnesota Governor to the Kennedy Cabinet, formed a plan of attack.

He inspired the conference with ideas of a self-help program sparked by local initiative and leadership, and advanced the proposal to make recreational developments a commercial function of family farms and forests.

The audience went for it.

Rural areas development, which, in the practice of the Government's alphabetical games, has been shortened into a new word, RAD, is a self-help program. Some areas have already put it into effect. But most, the Conference showed, knew little about it.

The Conference cleared it for them. It is not a Government-control program. It exists for rural communities who will take the

initiative to organize, study their economic predicaments, determine possible solutions, and form a plan of action. RAD provides assistance, technical and financial, through existing agencies for the communities that are willing to help themselves.

Multiple use is a practice borrowed from forests, using lands to meet as many needs as possible. These include crops, grazing, watersheds, wildlife habitat, and recreation.

Now, Freeman pointed out, Farmers Home Administration financing is available to individual farmers to develop commercial recreation enterprises. An expanding population with increasing leisure time makes recreation a major potential for the family farmer, he said.

"In summarizing the accomplishments of this Conference," the soft-spoken Baker said, "I believe we want to build a firm foundation for permanent prosperity for rural America. We oppose the use of poverty as a weapon to force economic adjustment. We want to use our land, water, forests, all of our natural resources, to stabilize the income of the family farmer so that he may share in the standard of living of the rest of the Nation."

Some of the proposals put forth by Conference panelists and participants included:

The need for assistance in determining a community's economic situation, analyzing its shortcomings, finding its strong points, and establishing a development plan.

Assuring that the economic development plan covers an entire community and not just segments of it.

Establishing a source of information in each State which lists State and Federal agencies that might be of assistance to local communities.

Advance zoning and planning for orderly growth as suburban areas expand into rural areas.

Increasing fees on public recreation areas so that private developments will be profitable.

Improving technical assistance for RAD.

Forming a better system of information to publicize the opportunities created by RAD.

Greater effort in research for use of forestry and agricultural products, and finding new markets.

The first Land and Peoples Conference was held in St. Louis. Others are scheduled in Denver, New Orleans, and Philadelphia.

Freeman and Baker believe the Conferences may open up ideas to be presented as part of a farm program. They should also improve understanding between urban and rural people and emphasize the interdependence of the two, the Agriculture Department officials believe.

One thing Freeman expected from the Conference was obviously accomplished. About 1,700 persons went home fired with enthusiasm and new ideas to stimulate economic development programs in their own communities.

THE OREGONIAN ON FIRE

Mr. MORSE. Mr. President, on October 3 I answered the Oregonian's misleading editorial on the location of the Forest Service fire research laboratories. Today I received a letter from Secretary Freeman, which explodes the Oregonian's charge that political influence affects the location of these laboratories.

I ask unanimous consent that the letter from Secretary Freeman be printed at this point in my remarks.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). Is there objection?

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

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., October 5, 1962.

Hon. WAYNE MORSE,
U.S. Senate.

DEAR SENATOR MORSE: I wish you to know that I have read your remarks in the CONGRESSIONAL RECORD for October 3 when you comment on the allegations of political influence in locating forest research facilities and I welcome your statement.

I know of no instance where the decision to locate such facilities was made on the basis of political influence. Rather, as you indicate, the location of research facilities is based on the needs of an efficient operating program—nearness to the problem, availability of cooperating State agencies to enhance the pace of research, and the location of operational programs at State and Federal levels.

I am sure many Oregonians are aware of the various research and administrative facilities which the Department now operates in Oregon and those which are now under construction or which are planned for construction in Oregon.

Your efforts to facilitate cooperation between the communities in Oregon, where Forest Service installations are located, and the Department and to speed these projects through the Congress deserve the warm praise of the people of your State.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

Mr. MORSE. Mr. President, I also ask unanimous consent that an article published in the September issue of Western Timber Industry, entitled "Corvallis Forestry Laboratory Dedication August 22 Draws Crowd."

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

CORVALLIS FORESTRY LABORATORY DEDICATION AUGUST 22, DRAWS CROWD

CORVALLIS, OREG.—An experiment station which may develop the knowledge for enormous increases in the ability of timberlands to produce wood fiber was dedicated at Corvallis August 22.

More than 200 foresters, scientists, and educators gathered for the ceremonies which marked the beginning of the program in a $500,000 building which will later be tripled.

Dr. George M. Jemison, Deputy Assistant Chief for Research of the U.S. Forest Service, in making the dedicatory talk, commented that a strong forestry sciences research program, with participation from the Federal Government, private industry, and Oregon State University, cannot help but "enrich the base for a broad and profitable use of all forest resources."

"We expect to expand and supplement programs until we have adequate research in insect and disease control, silviculture of important forest types, forest tree improvement, and water management," he predicted.

Plans for the laboratory were prepared under supervision of Robert W. Cowlin, Director of the Pacific Northwest Forest & Range Experiment Station, U.S. Forest Service, Portland. Building design was by A. P. DiBenedetto, Forest Service architect.

A maximum use was made of a wide variety of structural and decorative wood products in the design.

The initial staff will consist of 35 people of whom 24 are forest scientists. Robert H. Ruth who has been a project leader in the Corvallis Research Center will be project leader. George J. Booras, contract specialist for region VI, will be in charge of administrative services. Annual operating budget will approach $650,000.

Mr. MORSE. In my speech of October 3 I pointed out that the Corvallis Laboratory was one of several forest laboratories in Oregon that the Oregonian had forgotten to mention when it was criticizing the Forest Service for the location of a laboratory at Riverside, Calif., one at Macon, Ga., and one at Missoula, Mont., making the charge that they were located out of political influence, seeking to leave the impression that the Oregon delegation in Congress was not doing for Oregon what the Oregonian thought could be done by so-called political influence.

The senior Senator from Oregon has never sought and will never seek to exert political influence on any project in the sense referred to by the Oregonian, because each State is entitled to projects on the basis of their merits, and only on the basis of their merits. I shall vote for Oregon projects on the basis of their merits, just as I voted for the Corvallis Laboratory, dedicated on August 22 which was placed in that city in accordance with scientific judgment. It will add a payroll of about $650,000 to our State. I am proud of the work I did, together with my colleagues from Oregon, the late Senator from Oregon, Mr. Neuberger, and his successor [Mrs. NEUBERGER], to insure the completion of the laboratory on schedule.

Perhaps the Oregonian will want to accuse me of playing politics to get the Corvallis Laboratory; or I wonder if they still will charge that I am not supposed to have any influence in regard to the effort put forth to get a laboratory located in Corvallis and at Bend.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION—REPORT OF A COMMITTEE (S. REPT. NO. 2284)

Mr. MANSFIELD. Mr. President, from the Committee on Rules and Administration, I report favorably, without amendment, the joint resolution (H.J. Res. 712) to direct the Franklin Delano Roosevelt Memorial Commission to consider possible changes in the winning design for the proposed memorial or the selection of a new design for such memorial, and I submit a report thereon. I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 712) to direct the Franklin Delano Roosevelt Memorial Commission to consider possible changes in the winning design for the proposed memorial or the selection of a new design for such memorial.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MANSFIELD. Madam President, under the terms of the joint resolution,

the Franklin Delano Roosevelt Memorial Commission would be required to report its findings and recommendations to Congress and the President not later than June 30, 1963.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution (H.J. Res. 712) was ordered to a third reading, was read the third time, and passed.

ORDER OF BUSINESS

Mr. MANSFIELD. Madam President, there will not be the third reading of the pending measure, Calendar No. 2229, H.R. 10117, to amend section 401 of the Internal Revenue Code of 1954 to provide that plans which provide certain medical and other benefits for retired employees and their families may be qualified pension plans. The bill will go over until Monday, possibly Tuesday, in the best interests of all concerned.

To the best of my knowledge, there will be no further votes tonight.

Mr. DIRKSEN. Mr. President, may I ask the majority leader what he anticipates by way of Senate business on Monday?

Mr. MANSFIELD. So far as I can see, I should think there would be conference reports on the foreign aid appropriation bill, the State, Justice, Commerce appropriation bill, and the public works bill, and whatever other conference reports may be available.

The calendar has been pretty well cleared. There is not much more on the calendar that can be taken up. So in a sense we are marking time.

Mr. DIRKSEN. Has an order been entered for the time the Senate will convene on Monday?

Mr. MANSFIELD. Yes; the order is that after the Senate adjourns this evening, it will adjourn until 12 o'clock noon on Monday.

Mr. WILLIAMS of Delaware. Will the pending bill be brought up on Monday or Tuesday?

Mr. MANSFIELD. I should say either on Monday or Tuesday, at a time which will be most convenient to the particular Senators concerned, including the Senator from Virginia [Mr. BYRD], the Senator from Oklahoma [Mr. KERR], the Senator from Delaware [Mr. WILLIAMS], and other Senators.

ENTRY OF ALIEN SKILLED SPECIALISTS AND CERTAIN RELATIVES OF U.S. CITIZENS

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 3361) to facilitate the entry of alien skilled specialists and certain relatives of U.S. citizens, and for other purposes, which were, on page 3, strike out lines 14 through 16, inclusive, and on page 3, after line 16, insert:

SEC. 4. The first sentence of section 104(b) of the Immigration and Nationality Act (8 U.S.C. 1104) is hereby amended to read:

"(b) There is hereby established in the Department of State a Bureau of Consular Affairs, to be headed by an administrator (with the title of Assistant Secretary of State), with rank and compensation equal to that of an Assistant Secretary of State."

Mr. DIRKSEN. Madam President, I move that the Senate disagree to the amendments of the House and request a conference thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. EASTLAND, Mr. JOHNSTON, Mr. MCCLELLAN, Mr. HRUSKA, and Mr. KEATING conferees on the part of the Senate.

NOTICE OF INTENTION TO FILE REPORT ON SUPPLEMENTAL APPROPRIATION BILL

Mr. HOLLAND. Madam President, earlier in the day a colloquy ensued on the floor of the Senate relative to the last supplemental appropriation bill. I have already advised the Senator from Georgia [Mr. RUSSELL] and the Senator from Florida [Mr. SMATHERS] that I intend to file the report on the bill without fail as soon as possible after the convening of the Senate on Monday, or even prior thereto, if that be within the rule. I desire that all Senators be advised of that fact.

Mr. SMATHERS. I thank my colleague.

NOMINATION OF REPRESENTATIVE KATHRYN GRANAHAN, OF PENNSYLVANIA, TO BE TREASURER OF THE UNITED STATES

Mr. SCOTT. Madam President, I heartily endorse the nomination of Representative KATHRYN E. GRANAHAN, of Pennsylvania, to be Treasurer of the United States. Her nomination was reported favorably this afternoon by the Committee on Finance and will be on the Executive Calendar on Monday. I am certain that she will do honor to the post of Treasurer of the United States.

I served in Congress for many years with KATHRYN GRANAHAN. She is a woman of very attractive personality and has made innumerable friends.

The nomination of a woman to this high Federal post is recognition of the fact that there are many more qualified women who could and should be appointed to more posts in Government than are now being appointed.

NEED FOR REVISION OF SENATE RULES

Mr. SCOTT. Madam President, I desire to echo the statement made by the senior Senator from New York [Mr. JAVITS] that we must again do our level best to amend the archaic and often inoperable rules of the Senate. I believe a hard battle must be waged next January for the amendment of rule XXII. I think it is obvious that only the abstention of certain Senators from the floor enabled the cloture petition to succeed this year. I believe the original obstacle still prevails, so far as the clearance of civil rights measures to the floor is concerned. In that and other matters, I believe the rules of the Senate should be made more realistic in accordance with the needs of Congress and the rights of the people involved.

PROPOSED AMENDMENT OF CLOTURE RULE

Mr. HUMPHREY. Madam President——

Mr. SMATHERS. Madam President, I ask unanimous consent that I may yield 4 minutes to the Senator from Minnesota.

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

Mr. HUMPHREY. I thank the Senator from Florida.

Madam President, it was the hope of a number of Senators that the sine die adjournment would occur tomorrow. However, we now know that will not be possible.

However, before the sine die adjournment of the 87th Congress, certain Senators, including myself and the Senator from Michigan [Mr. HART], wish to know about the situation in regard to the determination of certain Senators to work for a change in rule XXII at the beginning of the 88th Congress, in January 1963. A letter signed by the Senator from Michigan [Mr. HART] and myself has been sent to certain Senators, in order to alert our colleagues as to our intention to request their support of our effort in January 1963, to bring about a change in rule XXII.

There has been a clear demonstration of the need for a clear-cut antifilibuster rule which would permit a majority of the Members of the Senate to proceed to vote after full and fair debate. The time to make this proposal is at the opening of a new Congress. We hope other Senators will join us in supporting that effort.

It is said that the successful cloture vote this year demonstrates the workability of the present antifilibuster rule. However, I disagree with that argument. It is apparent that the present rule will not be successful if there is strong opposition to ending debate on a measure of considerable controversy. For example, I do not believe that under the present rule there is a real chance to obtain the necessary two-thirds vote in order to end debate and obtain action on meaningful civil rights legislation.

The letter which has been sent is very much in line with the statement I am making now. As I have said, the letter was signed by the Senator from Michigan [Mr. HART] and myself.

We are seeking the advice of Senators in regard to how to proceed in January. We hope that in January we shall be able to arrive at a consensus of opinion as to the type of rule change to be proposed, and we hope to be able to enlist the support of the overwhelming majority of Members of the Senate. We feel strongly that such a change in the rule is needed; and I shall do my best to secure the adoption of a rule change which will make it possible to have the vote on a controversial measure taken after full and fair debate has been had,

so that a majority of the Senate will be able to work its will.

Mr. HART. Madam President, as the Senator from Minnesota has said, he and I have addressed to a number of our colleagues a letter indicating our intention again to join—at the opening of the next Congress—in the endeavor to obtain an effective anti-filibuster rule.

Very considerable progress has been made in the past 10 years in bringing to the attention of the Senate and the Nation the difficulties which are presented when a majority of the elected Members of this body attempt to get to a vote, after a full and fair debate, on a proposition to which there is strong sectional opposition.

Madam President, the precedents already established at the opening of Congress in previous years clearly indicate that this is the orderly and proper time for the Senate to consider the rules which will govern its procedures. Both party platforms support a change in the anti-filibuster rule. Both party platforms support meaningful civil rights legislation. There is no doubt in my mind that a further modification of rule XXII must occur if, in fact, we expect the Congress to meet its responsibilities in the area of long overdue civil rights legislation.

Efforts have previously been made to change the rules. The record shows a growing number of supporters. Such a rule change was first proposed at the opening of Congress in January 1953. In that year, those seeking to take up the rule question at the opening of the 83d Congress mustered only 21 votes. In January 1961, 48 Senators wanted to change the rule at the opening of the 87th Congress.

There are those who would argue that the experience this year on the cloture vote during the debate on the communications satellite bill demonstrates the workability of the present rule. But I believe it would be a real pipedream to imagine that the filibuster used today by those who represent strong sectional interests could be effectively broken under the present cloture rule.

I hope that in the weeks and months ahead we shall be able to develop support for such a change. At the opening of the 88th Congress, the Senate will have an opportunity to free itself from a most restrictive practice, one which prevents the Senate from meeting its responsibilities at mid-20th century in the critical area of legislation necessary to protect basic human and civil rights.

Mr. JAVITS. Madam President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. JAVITS. Madam President, on our side, in the absence of the Senator from California [Mr. KUCHEL], who is taking the lead in the matter on our side, I wish to state that five of us are today sending to our Republican colleagues a letter which is precisely the same as the letter which the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Michigan [Mr. HART] have sent out. At the moment I can name only four of those five; they are the Senator from California [Mr. KUCHEL], my colleague [Mr. KEATING], the Senator from New Jersey [Mr. CASE], the Senator from Pennsylvania [Mr. SCOTT], and myself.

In this connection, we have an informal liaison with Senators on the Democratic side; and we shall give our utmost support in the fight to amend rule XXII.

I hope that the change in the rule which will be made in January will be in accordance with the so-called Douglas plan, which provides that after 30 days of debate, debate may be ended by the affirmative votes of a constitutional majority of the Senate.

At the time of the debate on the satellite bill and the successful cloture vote in connection with that bill, I said I thought the invoking of cloture at that time would not be harmful to the attempt we proposed to make in January 1963, to amend rule XXII. I stated that I felt sure that the cloture vote on the satellite bill would clearly indicate that an attempt to invoke cloture under the present rule could be successful only when a very special situation existed; namely, only when a substantial number of Senators were willing to absent themselves, rather than participate in the vote on the question of invoking cloture; and I said that that situation was a clear indication that, in terms of dealing with legislative proposals generally, it is necessary that rule XXII be amended. In short, I stated that the action taken by the Senate in invoking cloture in connection with the debate on the satellite bill constituted an important precedent in favor of effecting an amendment to rule XXII.

I hope that we shall be able to repeat that argument most strongly at the time of the convening of the new Congress in January, which is the proper time, according to the rulings by former Vice President Nixon, for changes in the rules to be made.

Mr. HUMPHREY. Madam President, I join the Senator from New York in expressing the hope that by means of a bipartisan effort, we shall be able to succeed in this endeavor.

Mr. JAVITS. I thank the Senator from Minnesota.

Madam President, as I have said, the Senator from California [Mr. KUCHEL], who is taking the lead on our side in connection with the letter, is due to return to the Chamber in a moment or two.

Mr. HUMPHREY. Madam President, I discussed this subject with the Senator 2 days ago, and it was clearly understood that on the Republican side, action similar to that already taken on the Democratic side would be taken. In short, we are working together, and also with our respective groups; and, as I have said, in January the Senator from Michigan [Mr. HART], the Senator from Illinois [Mr. DOUGLAS], myself, the Senator from Oregon [Mr. MORSE], the Senator from New Mexico [Mr. ANDERSON]—who has been a strong leader in this fight—and other Senators will join forces in the effort to agree on the rule change we shall propose and to agree on the strategy we shall follow; and, in light of our experience during the past year, I think that at that time we shall be in a better position than ever to proceed with the fight to make such a change in the rule.

Mr. JAVITS. Yes. Does not the Senator from Minnesota agree that it is fair to say that we are pledging a bipartisan effort to amend rule XXII, in order to endeavor to reduce the power of the filibuster, and in order to give us a more effective means of effecting cloture; and we are pledging that we will undertake that effort at the opening of the new Congress, which—according to the rulings by former Vice President Nixon and according to the Constitution—is the proper time to do so.

Mr. HUMPHREY. That is correct.

Mr. JAVITS. I thank the Senator from Minnesota.

Mr. KEATING. Madam President, will the Senator from Minnesota yield to me?

Mr. HUMPHREY. I yield.

Mr. KEATING. In January, when we make our bipartisan effort to change rule XXII, we shall surely be met with the argument that in 1962, the effort to invoke cloture was successful, and therefore no change in the rule is needed. However, that is a fallacious argument. All of us know that the method by which cloture was obtained in 1962 could have been successful only on this one issue, and only then because a substantial number of Senators were willing to absent themselves from the Chamber and not participate in the cloture vote. It would not enhance the prestige of the Senate to continue under a rule that necessitates that if cloture is to be invoked, certain Senators must absent themselves. Obviously, this is the only way by which cloture could have been obtained in the debate on the communications satellite bill.

In short, it is still absolutely essential that a meaningful change be made in rule XXII to make possible the enactment of meaningful civil rights legislation.

I am sure that the rule envisioned by the distinguished assistant majority leader and the other interested Senators will allow more than ample time for debate on any issue on earth. I stress that I am referring to earth-bound issues, like civil rights, not esoteric subjects that are off in outer space. Madam President, certainly there must come a time, in a government of the people, when their legislative body can come to grips with this very fundamental problem. It must not be stymied by a minority, with the result that minority rule, rather than majority rule, exists in the Congress.

I pledge myself to the majority leader and to the other Senators that I will exert my full efforts to bring about a meaningful change in rule XXII at the beginning of the next session.

THE CHANGING SITUATION IN CUBA

Mr. SMATHERS. Madam President, I wish to discuss for not more than approximately 15 minutes the changing situation in Cuba.

At the outset I wish to state that, like many others, I am greatly pleased with the progress which has been made in recent days, and particularly with the

announcement made yesterday by the Secretary General of the Organization of American States and by our Secretary of State, Dean Rusk, at the conclusion of the meeting of foreign ministers representing the Latin American countries.

I cannot help but think that the resolution which they have adopted demonstrates a unanimity which has thus far been lacking, and demonstrates an awareness on the part of the countries of Central and South America of the real menace of communism in Cuba to all those countries.

I was delighted to see that such countries as Brazil, Mexico, and Argentina were willing to go along with such a strongly worded resolution. I think, overall, it means that great progress has been made.

I think much of the credit for it is deserved by the President of the United States. I was not privileged to be at the luncheon which was held in the White House on, last Tuesday, I believe, at which he invited all the foreign ministers of the Western Hemisphere. It is my information that he talked to them in rather straightforward and stern language about the need for action on the part of the Central American countries, particularly the Caribbean countries, and all the other countries in the Western Hemisphere for united and strong action in opposing the Communist government of Cuba. What he had to say in the White House had a great deal to do with the satisfactory results which we saw were accomplished only yesterday, when the foreign ministers wound up their meeting.

I also wish to take a moment to congratulate the Secretary General, Mr. Jose Mora, for his leadership and his expressed belief that the time had long since passed when all the countries of the Western Hemisphere, all the countries of the American States, should do more than they had done with respect, first, to proscribing Communist activities in the Western Hemisphere, and, second, getting rid of communism in Cuba. I congratulate Secretary General Mora for the statement he made and the leadership which has been provided. My only regret now is that it did not occur a little sooner. However, I am happy that it has finally happened.

In that connection, I ask unanimous consent to have printed at this point in the RECORD an editorial which appeared in the Washington Evening Star of Thursday, September 27, 1962, entitled "The Menace in Cuba."

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). Is there objection?

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

THE MENACE IN CUBA

The threat in Cuba grows apace. Now we have been told by Fidel Castro and his mentors in the Kremlin that a special port is to be built down there to service and supply a Soviet "fishing" fleet made up of as many as 130 trawlers. Actually, of course, as the State Department has indicated and as Pentagon sources have warned, the development certainly involves much more than a desire by the Russians to catch seafood in waters they have never tried before.

To begin with, the following facts, among others, need to be kept in mind: (1) The normal Soviet fishing grounds in this hemisphere have been limited up to now to the North Atlantic. (2) Most Russian trawlers are semimilitary in the sense that they are elaborately equipped with radar and other devices designed to spy upon such things as our Polaris missile launchings. (3) A Cuban port for these vessels could easily accommodate Red submarines and Red torpedo boats. And (4) the ports thus could serve the Kremlin as a sort of naval base that would be almost within shouting distance of our shores and capable of threatening the Panama Canal, vital inter-American shipping lanes and places like Cape Canaveral.

True, it may be argued that the United States—with its base at Guantanamo, its awesome arsenal of nuclear weapons, its wide variety of missiles, its great fleet of bombers, and its amphibious forces—has little or no reason to fear the building of such a port, which could be wiped out as easily and as swiftly as a fly can be swatted. But that is not the real point of the matter. The real point is that the Kremlin, with studied arrogance, has chosen to be deliberately provocative to an exceptionally intense and dangerous degree. It has done so by ostentatiously ridiculing the Monroe Doctrine, by using the insufferable Fidel Castro to make captives of the betrayed Cuban people, and by planting itself, noisily and insolently, on a foothold in the Western Hemisphere—a foothold from which it apparently intends to launch a war of subversion and indirect aggression against the Americas.

All this brings to mind these recent words of President Kennedy: "If at any time the Communist buildup in Cuba were to endanger or interfere with our security in any way * * * then this country will do whatever must be done." Unhappily, that time seems to be rapidly approaching, if it is not already here. Our friends and allies should respond accordingly. Some of them have suggested that only the United States needs to worry about the matter. They could not be more wrong. The menace is global, and it must be met head on by all men and nations who still cherish freedom.

Mr. SMATHERS. Madam President, I also ask unanimous consent to have printed at this point in the RECORD an editorial which appeared in this morning's Washington Post, entitled "With One Voice," which calls attention to the great statement made by the ministers representing the Western Hemisphere.

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

WITH ONE VOICE

In an admirable show of unanimity, 19 Latin American Republics have joined with the United States in emphatically, clearly, and bluntly condemning Sino-Soviet intervention in Cuba. There are no weasel words in the final communique released by the foreign ministers who have been informally conferring in Washington. Messrs. Castro and Khrushchev have accomplished the unlikely miracle of bringing countries as diverse as Costa Rica and Brazil, Mexico and Uruguay into fundamental accord on the single most controversial question before the hemisphere.

The communique explicitly condemns Soviet intervention in Cuba and states that the threat this poses to the hemisphere requires "the adoption of special measures, both individual and collective." It calls on hemisphere governments to intensify countermeasures against Communist-Cuban subversion. Significantly, the declaration extends sympathy to "the victims of the present regime" and expresses the hope that the island will soon return to a form of government compatible with the principles of the inter-American system.

This unanimous declaration makes it abundantly clear that the real issue in dispute is not Fidel Castro or the social system that prevails in Cuba today. It is instead Soviet intervention. The Castro regime thus stands unanimously judged a satellite for a hostile foreign power—and the fact that Mexico, Brazil and Chile joined in this condemnation should have massive impact on hemisphere opinion.

The declaration also opens the way for the kind of collective response envisaged by the Rio Pact, a response that would comport with international law and not violate a single treaty. While the United States did not obtain agreement on an airtight economic embargo at this stage, a consensus is forming that will surely lead to collective sanctions. Meanwhile, bilateral agreement ought to be reached with Chile on ending yearly purchases of some $10 million worth of Cuban sugar.

Meanwhile, the proposed closing of U.S. ports to foreign ships carrying goods to Cuba could also have a palpable psychological effect in releasing North American frustration. If European countries do not respond to requests for an embargo, the United States can show the earnestness of its intent by unilateral action. Hopefully this can demonstrate to the Europeans that Washington does not see the Cuban conflict in terms of a feud with a flyweight dictator but rather as a direct confrontation with Soviet power.

Despite expectations to the contrary, the informal foreign ministers meeting did yield important results. Credit for this belongs to all who participated, but it is noteworthy that the final communique reflected the suggestions made on Sunday by Secretary General Jose Mora of the Organization of American States. Let it also be remarked that Secretary of State Rusk showed sure political instincts in helping to find the unifying denominator in an assembly of 20 nations.

Mr. SMATHERS. Madam President, before I discuss the resolutions which I proposed in the Senate, I wish to say that while we greatly appreciate what has been stated at the foreign ministers' meeting and the demonstration of a hardened attitude with respect to Fidel Castro and Communist Cuba on the part of those countries, I am sure we also appreciate the fact that the administration recently announced that it would be the policy of our Government to tell the other nations of the world whose shipping has been carrying goods into the Communist-controlled country of Cuba, and then has come to the United States to pick up additional goods to carry back home, that their ships will no longer be welcome in our ports; that, in some measure, ships that deal with Cuba and carry goods into Cuba, no matter of what nature, will be looked upon as outlawed ships as far as the United States is concerned. I think that will have a salutary effect on the free people of this hemisphere. I think it will further restrict the activities of Fidel Castro and communism in Cuba. It will put great pressure on him. I congratulate the administration on the adoption of that particular program. I am happy that I, along with others, recommended that such a course be adopted by the administration about 2 or 3 weeks ago.

However, I think we all recognize that we still need to take further action. So far as I am concerned, I do not really believe that, in the final analysis, merely the adoption of the resolution of the foreign ministers of the Western Hemisphere nations, standing by itself, will bring down Castro or bring down communism in Cuba. I think we need to go further.

In that connection, I recently introduced in the Senate two resolutions dealing directly with Communist Cuba.

One resolution called for U.S. recognition of a Cuban revolutionary government-in-exile. The second urged the U.S. support in the establishment of an inter-American military alliance.

If adopted, I believe that these resolutions would be positive and effective steps leading toward the eradication of communism from this hemisphere.

I think they are logical next steps which we should take in view of our objective and the objective of the free people of this hemisphere in getting rid of Castro communism in Cuba.

More important even than that, these recommendations would demonstrate that the American people have made up their minds on a vital issue—that we will no longer tolerate the existence of aggressive communism in any form in any part of this hemisphere, and that we have set about to do something realistic about it.

Once that resolve is made, then the resolution which I offered can be made a viable part of our national policy. These resolutions are not a magic formula. They are not a roadmap to utopia. They are a means to an end—if we choose to take action against the Communists.

There is, of course, another alternative—to do nothing. That is to say, to sit, and hope, and wish that Castro would fall and communism will disappear, and let it go at that. If that is our choice, then communism will soon dominate, in my judgment, other sections of our Western Hemisphere through subversion and Red-fomented internal upheaval, and the threat to the peace and security of our neighbors to the south, and to us, will be increased 100 times over that which it is today.

But assuming that action of some kind will be taken, and that it will be intelligent and reasoned, looking toward elimination of communism in Cuba, then I strongly recommend consideration of my two suggestions embodied in the two resolutions.

With regard to the resolutions, I ask unanimous consent that Senators BUTLER, HOLLAND, HICKEY, LONG of Louisiana, SCOTT, THURMOND, TOWER, and YOUNG of North Dakota be named as cosponsors of Senate Resolution 393, introduced by me on September 18 resolving that it be declared to be the sense of the Senate that the U.S. Government should support the formation of an inter-American military alliance joined by all nations in the Western Hemisphere who voluntarily wish to do so, take such action as may be deemed necessary to drive communism out of this hemisphere.

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

Mr. SMATHERS. I also ask unanimous consent that Senators ALLOTT, BUTLER, HOLLAND, HICKEY, LONG of Louisiana, SCOTT, THURMOND, TOWER, and YOUNG of North Dakota be named as cosponsors of Senate Resolution 394, introduced by me on September 18, resolving that it is the sense of the Senate that the United States should recognize as the true government of Cuba, a Cuban revolutionary government-in-exile, whose avowed purpose is to lead the Cuban people in the liberation and recovery of their homeland.

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

Mr. SMATHERS. Let us first consider the resolution calling for the establishment of a Cuban revolutionary government-in-exile. The resolution itself says:

Resolved, That it is hereby declared to be the sense of the Senate that the United States should recognize as the true government of Cuba a Cuban revolutionary government-in-exile whose avowed purpose is to lead the Cuban people in the liberation and recovery of their homeland.

Further resolved, That the United States should recognize only a Cuban revolutionary government-in-exile which agrees, prior to recognition by the United States, that it will, upon the liberation of Cuba, transfer its power and authority to the Cuban people by the holding of free elections.

The first objection raised against this resolution is that there is no precedent for the United States recognizing an exile government other than one which was established and subsequently was forced to abandon its native territory.

May I say that this statement is incorrect. For instance, during World War I, a Czechoslovak National Council was formed for the purpose of waging a war of independence for Czechoslovakia, then merely a part of the Austro-Hungarian Empire.

The Council was founded on the Cleveland Agreement of 1915 and the Pittsburgh Pact of 1918, which served to unify diverse exile elements. On September 3, 1918, the United States recognized the Czechoslovak National Council as a de facto belligerent government. This meant that we recognized an organized opposition to the de jure government of the territory in question.

I would like to stress that the United States took an important hand in working toward the establishment of this government and that its founding agreements were signed in two American cities. I might also add that strong and effective diplomatic relations were established between the United States and this newly recognized government and that it actually received six U.S. loans.

In addition to U.S. recognition, the Czechoslovakia National Council was ultimately recognized by Great Britain, France, and Italy.

A second example occurred during World War I when the Poles, under the leadership of Paderewski, and with the cooperation and aid of the Polish movement in Chicago, formed a Polish National Committee for the purpose of attaining a free Polish state, since 1863 under the occupation of Russia. On November 1, 1918, the Polish Army was recognized by the United States as a co-belligerent, under the supreme political authority of the Polish National Committee.

Again during World War II another Polish Government-in-exile was recognized by the United States during the Nazi occupation. This government was not the Polish Government which existed prior to the invasion, since many Polish leaders were detained in Poland or Rumania by the Germans, and the exile government was formed by other Polish leaders.

Although the United States did not give formal diplomatic recognition to the Free French movement during World War II, in August of 1943 it did recognize the French Committee of National Liberation—Charles de Gaulle's movement—as administering certain French oversea territories.

It is for international lawyers to appreciate these distinctions between formal recognition of an exile government by the United States and the partial recognition given to such exile groups as De Gaulle's which had neither continuity nor a relationship with any previous government in France. The important thing is that the United States showed its overwhelming desire to cooperate in an extraordinarily close manner with the Free French movement and its leader who was ready to oppose a totalitarian conquest of his country.

The term "government-in-exile" may acknowledgedly be misleading. What is needed is a Cuban juridical personality under international law; and it is in this sense that the resolution should be interpreted.

It should be noted that this proposed government or authority is to be created and recognized by the United States for a single purpose, well defined in the resolution; to wit: for the purpose of leading the Cuban people in the war of national liberation in which they have been engaged during the past 2 years against their Communist oppressors. Such an authority, it must be clearly understood, cannot and shall not pretend to govern the Cuban people, once their liberation has been assured. It was for an identical purpose that the United States recognized and supported the Czechoslovak National Council in 1918.

A second argument raised against my proposal is that recognition of a government-in-exile would give Castro an excuse to abrogate the treaty concerning the U.S. Naval Base at Guantanamo Bay.

This is an argument which has been made to the able Senator from New York [Mr. KEATING], when he has advocated the recognition of a Cuban Government-in-exile. There are those who say that would give to Fidel Castro authority to abrogate the treaty which we have entered into with the previous Cuban Government for a long-term lease at Guantanamo Bay.

Any government holding itself out to be the representative of the state and accepted as such by other states is bound to observe the rules of international law and to abide by the treaty obligations of the state. The continuity and character of the state as an "international person" undergoes no change because of a change in the governing body which

represents it. This is a unanimous accepted principle of international law. Were this not so, treaties would be abrogated by every election or other change occurring in any government.

Again according to one of the keystones of international law, in any such two-nation agreement, when no specific time limit is established for the duration of the treaty—which was the case at Guantanamo Bay, then the treaty itself holds in force unless it is cancelled by both parties.

That is a well-established principle of international law.

As a practical matter, the upholding of our treaty rights in Guantanamo depends in the final analysis not on the Castro government's interpretation of international law, but on the Marine garrison at Guantanamo.

Therefore, Madam President, I do not feel that this argument, made against the recognition of a government-in-exile on the basis that we might lose our rights in Guantanamo Bay, has any merit whatever.

A third criticism of my resolution is that recognition of a government-in-exile would end the current U.S. representation in Havana through the Swiss Government, thereby preventing us from the protection, representation, and so forth, of any U.S. citizens remaining in Cuba.

To this objection, let me say that whatever representation we have in Cuba today, through the fine and cooperative offices of the Swiss Government, in the last analysis is effective only to the extent that Castro, or more precisely Khrushchev, wants it to be effective. Whatever cooperation we might seek—and there are times when these can be justified, such as in the case of American craft being shipwrecked off the coast of Cuba—can only be obtained at the sufferance of the Castro government.

To the plea that we would, by recognizing a government-in-exile, be jeopardizing the safety of Americans still in Cuba, I recall on several occasions the State Department has urged that Americans should leave the country and that the U.S. Government could no longer guarantee their protection.

Ours would certainly be a hobbled, ineffective, and distorted Cuban policy if we were to shape it to the needs of a handful of Americans who have been urged by our Government to leave Cuba, but who do not do so for some personal reason of their own.

A final argument against a government-in-exile is that the Cuban refugees are too disorganized to form a government-in-exile worthy of recognition.

In the previously stated examples of Czechoslovakia and Poland during World War I, Poland during World War II, and the Free French movement during World War II, there was a great deal of controversy, competition, and strife between various elements of the exiled groups. Masaryk, Paderewski, and De Gaulle had to struggle mightily for the unity of their people, and it is difficult to say just how the promise of recognition by the United States interacted with the unification attempts.

The fact remains that the task of exiles to form a united political front is an extremely delicate and thorny one, which is disguised by the fact that all exile elements have a common purpose, and therefore should have no insurmountable difficulties in working together. If recognition were held out as a promise to the Cuban exiles, the condition being that they form an effective, unified, viable organization, it would necessarily exert tremendous pressures in the direction of this desired unity. As it stands, there is now no real reason for unity.

To further supplement that particular argument, I point out that we should remember that at the time of the unfortunate Bay of Pigs invasion all the Cuban exile groups at that particular moment, when they realized the battle had been joined, forgot their political differences and immediately joined up, tried to volunteer, and tried to get into the fray. Unfortunately, at that time there was not a sufficiently well-trained organization to receive them.

At that point I should like to add that I have heard it said that one of the reasons we should not go forward and exercise any kind of force in the case is that if we should do so, it might turn other Latin American nations against us. It is a significant fact that at the time of the invasion at the Bay of Pigs, while the outcome was still in doubt for some 48 hours—72 hours in some areas, in the understanding of some countries—not a single Latin American country criticized the action which was taken. The first time any criticism came about was when it became evident that the operation was a failure. Many of my Latin American friends have told me that when the invasion was in progress and they thought the United States was really supporting it, they had the first good feeling that they had had about the United States and what we were willing to stand up and do than they had had in almost 2 years. Many of them said that they walked down the street feeling a great deal more proud of their association with the United States.

However, unfortunately, when the operation began to collapse and we withdrew our support, those people began to slink back into their corners. It was then that the so-called liberal forces far to the left egged on by the Communists, began to get their governments to criticize the United States for the part which we had taken, because it then appeared that the United States would not stand firmly in support of its friends.

So the contention that we could not get the Cuban exiles or the Latin American people to stand with us should we recognize a Cuban Government-in-exile is not borne out by the facts, reason, or logic.

Today the United States has opened its military service for the admission of Cuban refugees. Though the program has been in effect for only a short time, already somewhere between 2,500 and 3,000 young Cubans have joined. They come from every political climate. What they are interested in is action. I cannot help but believe that if the day should come when the United States should urge upon these foreign political groups that they get together—putting them in a room, if need be, and saying, "You must come out with some leadership or else we will pick someone"—we would hear no more argument among the divided political groups, particularly when they understand that the government which is recognized by the United States is only a government of liberation and will itself dissolve and not seek political power after the liberation of Cuba has been accomplished.

I think it is appropriate to bring up at this time the fact that one of the soundest and most influential organizations in matters of national security and foreign affairs is the Veterans of Foreign Wars of the United States. It is, I believe, extremely significant that the Veterans of Foreign Wars at its recent national convention, the latter part of August 1962, in Minneapolis, Minn., unanimously adopted a resolution urging the recognition of governments-in-exile as a means of countering Communist aggression.

This action by the VFW, which has a national membership of 1,300,000 oversea combat veterans, reflects a firm knowledge and grasp of the issues involved in our continuing crises stemming from Communist aggression.

Furthermore, this VFW action demonstrates a clear realization on the part of this great veterans organization that there are things that can and should be done in order to sustain the spirit of those who resist Communist aggression to take the initiative from the Kremlin strategists, and, as a result, enhance our ability as a nation to persevere through to victory against the Red tide of conquest.

Because of its importance and pertinency to the current crisis, I wish to refer at this time to Resolution 227, calling for U.S. recognition of governments-in-exile and support thereof.

Madam President, I ask unanimous consent to have printed in the RECORD the resolution of the Veterans of Foreign Wars.

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

RESOLUTION 227—SUPPORTING FOREIGN GOVERNMENTAL LEADERS WHO OPPOSE COMMUNISM

Whereas the ruthless march of Communist aggression has overthrown various governments which have resisted Communist encroachment; and

Whereas various governmental leaders have left their countries rather than submit to Communist oppression and serve as puppets of the Red rulers; and

Whereas those who have refused to stay and serve the Communist cause of conquest have continued in foreign lands their resolute resistance to communism; and

Whereas the vigorous anti-Communist actions of such leaders, who have refused to serve as Red puppets, have been a source of inspiration to freedom-loving peoples everywhere, and a source of embarrassment to Communist aggressors; and

Whereas the cause of freedom would be well served by recognizing the heroism and determination of such governmental leaders in exile; and

Whereas recognition of such fighters against aggression would be both morally and strategically sound: Now, therefore, be it

Resolved by the 63d National Convention of the Veterans of Foreign Wars of the United States, That the United States officially recognize such Red-displaced governments as governments-in-exile, and extend to such persons and governments moral, diplomatic, and material support.

Mr. SMATHERS. At that particular point, with respect to the Cuban Government-in-exile, I hear people who are experts on the question—and increasingly everyone is becoming an expert, which is only right, because we are giving the question more and more attention—say that what we really need is not a Cuban Government in exile, but an indigenous revolution from within Cuba. We are told that that is really the way to overthrow Fidel Castro.

Madam President, I could not agree with that statement more. But I maintain that the only possible way in which we shall ever bring about any kind of successful revolution in Cuba is through some outside help. I doubt if it ever could be successful without some outside help. But we will not have any kind of pressure upon the Communists within Cuba and on Fidel Castro's government until we are able to get some help to the people of Cuba. They must have guns, sustenance, and the equipment that is needed to put pressure on Fidel Castro.

I submit that there is no other way to get the equipment to the people in Cuba except through a government-in-exile.

I do not believe the United States wishes officially to say, "We are going to try to move in ourselves at this particular moment," for obviously that would bring us into open war between ourselves and Cuba.

What I am about to say is not intended to be in disparagement of the CIA. I do not believe the CIA, in the manner in which it operates, is equipped to bring large numbers of weapons, ammunition and equipment to the freedom fighters in Cuba. The only way that could be accomplished would be through a Cuban Government-in-xile, or whatever else we wish to call it. It should be a government that the United States can recognize as we recognize the government of Chiang Kai-shek. We give to Chiang Kai-shek upward of $500 million in equipment every year to oppose the Red Communist government on the mainland of China. If we can do that, we can at least give some amount of help to the Cuban juridical government, whatever we wish to call it, and no matter where it is located.

We can do it legally. Cubans outside their country have ways and means of sending the equipment into Cuba. I am told that it is much more difficult to get the equipment away from the shores of the State of Florida. There is much more difficulty in getting by our own immigration officials and sheriffs, who try to prevent Cuban patriots from going to Cuba with the kind of equipment they expect to use to overthrow Castro. It is more difficult to get it out of the State of Florida than it is to get it to the shores of Cuba.

If we were to recognize a government-in-exile, that government could call on us for help, and we could openly and frankly give that government the help which it would require, and it could be used to bring pressure on Fidel Castro.

My second resolution says "that it be the sense of the Senate that the U.S. Government supports the formation of an inter-American military alliance, joined by all nations in the hemisphere who voluntarily wish to do so, for the purpose of carrying out the principles previously enunciated."

First, I think it would be well to point out that the resolution does not contemplate a general alliance of the Organization of American States within the framework of the Organization of American States, because such an alliance already exists.

Nor does time allow the United States entering into a protracted series of negotiations involving many nations in the hemisphere which have demonstrated less concern with the penetration of Communists into the hemisphere than has the United States, and hence do not consider themselves endangered by the presence of an extra-continental power in the Caribbean. This resolution is primarily directed to those nations in the hemisphere who already consider themselves, their governments, and their peoples harassed and menaced by aggressive Soviet military and subversive power, exercised through the puppeteering of Castro Cuba.

The resolution which I offered the Senate does not propose to exclude any American state, nor to pressure nor entice those who presently remain indifferent to the Soviets in the Americas. This resolution rests on the principle of self-protection recognized by international law and by the Charter of the United Nations. It contemplates a military pact or understanding which would properly function when the danger of aggression becomes imminent.

It has been a traditional practice in international relations to consider mobilization of military forces by a neighboring country as a preparation for aggression indeed, as in itself an act of aggression. And in such cases, the response can be no other, pending further developments, but an equal mobilization on the part of the country or countries so menaced. Under the circumstances, and if the military buildup in Cuba continues, it is but natural that the Caribbean nations proceed without delay to mobilize their forces of land, sea, and air at least in the same proportion as Cuba has already done.

That has already happened. Cuba has on its shores many more arms and munitions and many more men than it could possibly need for the maintenance of law and order in Cuba. I do not know what is a defensive weapon or an offensive weapon. I have never seen a rifle or a mortar, or even a missile used for defense which could not be used for offense as well, by aiming it in a different direction. Certainly the time has come when the nations of the Caribbean should be looking to their own defenses and means of protecting themselves, if these weapons, sometimes called defensive weapons, which Cuba has in great abundance, are turned into offensive weapons.

In other words, it is time for these people to meet the challenge of arms with arms. Any other course on the part of the governments so affected would be a delinquency in duties to their own people. Such being the case, they not having a Soviet Union to support them and to supply them with large sums of money and large stores of equipment, they should join with other nations which are equally endangered; and it is likewise logical and proper that they should join in so disposing their forces that the enemy may best be deterred or vanquished.

That is the purpose of the resolution.

I think it is highly significant that the Finance Minister of Panama, Dr. Gilberto Arias, proposed in Miami on September 23, which was 5 days after I introduced my two resolutions in the Senate, a meeting of 10 Central American and Caribbean nations to establish a United Front Against Communism in Cuba. He went on to say that other Latin-American countries and the United States should be called on to support measures to contain the Communist regime of Fidel Castro, and he further urged, according to the front-page article in the New York Times of September 24, "the formation of a NATO-type military alliance for defensive as well as offensive purposes, if such need arises."

Dr. Arias said that—

Although he could not at present commit the Government of Panama to the 10-nation meeting, he felt sure the proposal would have its approval as well as that of the other regimes concerned.

He declared that the 10 countries—Panama, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Colombia, Venezuela, the Dominican Republic, and Haiti, were "in the path of Communist aggression and must now take a united and positive stand to protect their own security.

He went on to say that—

The recent intensifications of the Communist take-over in Cuba once more confirms that Moscow proposes to use that Caribbean island for the propagation of communism throughout the Western Hemisphere. The threat of communism resulting from the establishment of a Soviet base of operations in Cuba could seriously deter private investment in the Caribbean area.

The other day I read an article which apparently was based on facts obtained from the Department of Commerce, to the effect that in 1957 there was invested in that year in Central and South American countries from the United States $1,200 million. In 1961 private capital going into Central and South American countries dropped to $147 million. I am satisfied, as we all are, that the reason we have seen that drop is because of the threat of confiscation on the part of some of these countries and also the fear that a government of the type of Fidel Castro's government will take over in some Central and South

American countries, and therefore people up here, who would normally make an investment there will not make it under the conditions which obtain now.

I point out that the alliance which I have proposed is different from NATO or SEATO. NATO assumes that the interests of all member countries will continue the same and to the same degree. However, in the hemisphere, there are also regional responsibilities and commitments. Those nations in the Caribbean which feel themselves threatened must be permitted to act in their own defense without the approval, but with the acquiescence, of the hemisphere as a whole.

Such an arrangement would be a refinement of the Rio Treaty, and perhaps should be formally written into it at a subsequent date. It would provide that those Caribbean nations that feel most threatened by Castro and the Soviets would meet to decide on what steps—diplomatic and military—they should take. Temporary integration of military forces, for example, could be undertaken to meet a specific threat.

Furthermore, there would be no need for a forum of Caribbean nations, which would lend itself to debate, evasion, and delay, as no country would need to participate in any action unless it should feel itself threatened, and feel that it was desirable for it to participate.

However, some collective defense mechanism must be formed. The presence, legally sanctioned, of other Latin American troops will be extremely important when the time comes to force out communism in Cuba. There is also the point to be made of international legality in the preparation of a force to take the island. Castro claims today we are training an invasion army. If we recognized an exile government and got open commitments from Caribbean allies, we could boast of the fact that we were taking action to meet a regional threat.

Regarding my second resolution, I have seen and heard much interesting and some illuminating comment on the proposal.

But I think none of these is more pertinent than the urgent recommendation by Panama, which I cited earlier, calling for the formation of a NATO-type organization.

I have since heard that in addition to the 10 nations cited by the Panamanian spokesman as being most directly threatened by Soviet Cuba and, therefore, most interested in such an alliance, Peru might also give support to this type of endeavor. Of all the commentary that I have heard, none is more valid or more pointed than the fact that the nations most endangered are seriously considering joining themselves in a mutual security alliance.

In the Washington Post of September 19, there appeared an article objecting to my resolution and quoting certain "U.S. civilian and military officials" as objecting to the plan, although it did not give any specific names.

I only bring up this point because in discussing my proposal with various, and obviously not the same, U.S. military and civilian officials, I found that they held a different view than that expressed in the article. The military and civilian officials with whom I discussed the alliance, I might add, were all highly qualified in their respective fields as well as being experienced and knowledgeable in Latin American affairs.

Let me briefly answer some of the objections which have been made to the alliance which I have proposed.

First, it has been said that such an organization would circumscribe our country's freedom of action. This is not true. No such special alliance in the past has limited anybody's country's action, and if there were any doubt about this point, it could be made clear in the treaty itself that nothing in the treaty would hinder the taking of unilateral action by any of its signatories when anyone of them felt that its security was endangered, and that the alliance was not acting fast enough.

If this kind of alliance would inhibit action, you would find that those who take the so-called "soft line on Cuba," would favor it, while those who take the so-called "hard line on Cuba" would be opposed to it. Actually, it is for this very reason—that the alliance might hasten appropriate military action—that we find the so-called soft-liners against it. It am proud that for 3½ years I have either been accused of, or praised for, being a "hard-liner on Castro's Cuba."

Secondly, it has been objected that such an alliance as I propose is not needed because there are no large enemy land forces in Cuba or Latin America.

Such an objection is irrelevant. One of the basic designs of such an alliance would be not with respect to land, sea, or air forces, but to the threat of internal subversion.

It is to meet just this kind of subversion that it is essential that we secure the assistance of other Latin American powers so that we will not be required to use American soldiers in combat against the nationals of a once friendly country.

Third, the Washington Post article contends that the Rio Treaty calls for "joint military action in the event of military aggression committed against an OAS member," and thus, there is no need for a new alliance.

However, the fact is that the OAS is a regional organization with the United Nations as its parent body. Hence, collective military action cannot be committed through OAS, because such a measure would have to be ratified by the Security Council of the United Nations, and there, of course, it would be blocked by the inevitable Soviet veto.

Finally, the purposes of an alliance such as I propose would be political as well as military. I do not think there has been a single NATO commander who has maintained that his military force was alone adequate to prevent Soviet aggression.

It has rather been the political unity which this force represented which has been important—a political unity which has now led on to an economic unity—the Common Market, in Europe, with the promise of further strengthening and formalizing the political ties of the member nations.

There has been much talk about a Central American common market. Actually, our Government has formally advocated the establishment of a Central American common market.

Also, there has been considerable talk about a subsequently to-be-formed Western Hemisphere common market. I think all such common markets are within the realm of possibility within our lifetime; and it might well be that such a military alliance as is proposed could, as was in the case in Europe, lead to similar economic and political gains, since the purpose of the alliance, military though it may be, must be political in nature if it is to combat Soviet aggression in the new world.

Mr. KEATING. Madam President, will the Senator from Florida yield?

Mr. SMATHERS. I am glad to yield to the Senator from New York, who for many years has demonstrated a realistic interest in and understanding of the problem.

Mr. KEATING. I am grateful to the Senator from Florida. I shall detain the Senate but a moment. The purpose of my intrusion is to congratulate the Senator from Florida on a very thoughtful and clear analysis of his views concerning what further action should be taken.

I am entirely in accord with his views that the informal meeting of the ministers of the OAS is not sufficient. I am gratified by the progress which I feel is now, rather belatedly, being taken. I congratulate Secretary Rusk on the achievements to date. I shall discuss this subject more fully on Monday or Tuesday—probably Monday. I shall not go into it now.

I wish to emphasize one thing in particular which the Senator from Florida said. My information is exactly the same as the Senator's. At the time of the unfortunate Bay of Pigs episode, there was, as the Senator said, no criticism of the United States until the invasion failed. If we had supported it and it had succeeded, it is my judgment, based upon what I consider to be good information, that the countries which then began to criticize us would have supported us. They would have supported any forceful action. They might for local political purposes have had some criticism to voice; but they would in effect have supported our leadership. Moreover, they would have respected us for it.

The Senator from Florida has had many more dealings with Latin American nations than I have had, but I am sure he agrees that they desire to respect the United States, and that respect is the most important quality which we can inculcate in the Latin American countries, as in any other nation, friend or foe.

I wish to ask the Senator from Florida about one phase of his remarks. I assume that this subject has been researched by the Senator. It is not clear to me that the OAS must have its action ratified by the United Nations in order to be effective. In other words, the Senator's view is that the OAS of its own initiative cannot take any concerted ac-

tion unless it has been approved by the United Nations.

Mr. SMATHERS. The Senator from New York has asked if research has been done on this subject. It has. The finest Cuban lawyers now in exile—and they comprise most of the Cuban bar—and who live in my State, have taken it upon themselves to research the subject and present me with briefs. They came to the inescapable conclusion that officially they cannot act in a military fashion without first having the approval of the United Nations. That is what makes valid our other military alliance. That is why we became a party to NATO. We can thereby have our own organization and decide on our own volition when we wish to move.

Mr. KEATING. Is it the Senator's view that OAS is in a different category from NATO?

Mr. SMATHERS. Yes. NATO is merely a voluntary organization entered into by the countries of western Europe and the United States. It is military in its purpose. It is designed to stop Communist aggression, and if need be by fighting Communist aggression. That is its purpose.

The United Nations was established for many other reasons, as was OAS. OAS is generally a political-economic-cultural group having certain military rights; but those military rights must be cleared through the United Nations.

I regret to say that in my comments I did not give the exact section of the OAS charter which makes reference to the fact that these types of military action must be referred to the Security Council of the United Nations. However, I shall supply the Senator from New York with that information.

Mr. KEATING. I should like to have it. My thought was that all that was necesary was to notify the Security Council of the activities which had been undertaken. If, of course, the Security Council could agree on another course of action, that could supersede OAS moves, but the Security Council is not likely to agree on such a point.

Mr. SMATHERS. That was also my impression, as the Senator will remember. The Senator from New York and I on several occasions have talked about this subject and the need for doing something about it.

It was a speech I had made, urging the OAS to do something, which caused the Cuban lawyers to submit to me the briefs which they had prepared. They said, in effect, "You will never be able to get the OAS to do anything, because there are certain large countries that will not do anything anyway, including countries such as Brazil and Mexico." That was when I shifted from the idea that we ought to apply pressure to the OAS to take action.

I said the time had come when another organization should be established, similar to NATO, one which would be independent of the United Nations and could operate when its members decided that the time had come to operate in a military fashion.

Mr. KEATING. That information comes to me as somewhat of a surprise, as it relates to international law. I do not want to end the colloquy on the thought that there is any difference of opinion between the Senator from Florida and myself about the need for additional forceful action in this crisis. I should like to have him cite the reference which he has made and also should like to see the brief.

Mr. SMATHERS. I shall supply that information to the Senator.

Mr. KEATING. Again, I commend the Senator for a highly thoughtful and fine address.

Mr. SMATHERS. I thank the Senator from New York for his kind remarks.

Mr. HUMPHREY. Madam President, I shall take a moment to say a word about the comments of the Senator from New York with respect to the views of the Senator from Florida.

I was not able to hear all of the Senator's address; but judging from what I have heard and also from my consultations with the Senator from Florida, I know of his deep concern over the situation in Cuba, in the Caribbean, and throughout Latin America. I, too, wish to say that the need for specific, definite, understandable action certainly exists. Such action is long overdue. I am pleased to see that the recent Conference of Foreign Ministers produced at least a more clearcut statement of policy on the part of all the participating countries represented by them, and I am particularly pleased with the statement made by our Secretary of State in regard to shipping to Cuba.

This subject has been discussed at some length in Congress. I believe these discussions are really helpful; I believe they help point out the possible alternatives to be followed by a responsible government.

Many times there is criticism of proposals or statements in regard to one situation or another. Certainly there have been very helpful discussions in regard to what should be done about Cuba and about subversion and possible aggression by Castro's communism, based in Cuba. I believe those discussions have given the State Department, the National Security Council, and the President a better insight into the possible alternatives, and have given opportunity for freer discussion of their possible effects.

It is true that the Senate does not have responsibility for the Nation's foreign policy; but the Senate does contribute to it. The Senate does not execute or administer it, but in a way the Senate helps to design it.

It is my view that although some of us may be somewhat scarred or cut up a little, as is said in the political parlance, because we offer suggestions, yet from the trials by fire in debate in the legislative body, good suggestions can—and do— come forth.

Mr. SMATHERS. I completely agree with the able Senator from Minnesota. He has made many valuable contributions by means of the suggestions he has made—as has the Senator from New York [Mr. KEATING], and in some instances I have seen some of the things I have discussed subsequently become the national policy. I like to think that the policies are partly the result of the suggestions we make. I believe it is desirable, and is a much healthier situation, to have suggestions made by Members of Congress in the discussion of foreign policy—even though, as the Senator has said, we do not have the responsibility for the foreign policy. However, I believe it is very helpful to have our views reach the Secretary of State, the President, and his assistants.

I would shudder if I thought the President and the Secretary of State could obtain information only from persons who have long been in the State Department. In this connection, I do not criticize any particular person; but I have long deplored the fact that when a new President comes into office, of the approximately 19,600 employees in the State Department, the new President—regardless of whether the President be Mr. Truman, Mr. Eisenhower, Mr. Kennedy, or any other—can appoint fewer than 200 persons in the State Department. Consequently, most of the administrative officials in the State Department continue year after year, with the result that some of them strongly defend papers they prepared 10 years before.

Therefore, if the President and the Secretary of State obtained their information only from the State Department, I think the country would be in really bad state.

So I agree that these discussions are most helpful. We know the foreign policy is not our responsibility, in the final analysis; but I agree that our suggestions can be helpful and constructive.

Mr. HUMPHREY. Several efforts have been made to delineate the role of the legislative body in connection with the formulation of foreign policy. Dr. Charles Hyneman, whom I knew first when I was attending Louisiana State University, is one of the foremost experts in the Nation in regard to the role of Congress in the formulation of foreign policy. I mention this because if it is said that the foreign policy is the responsibility of the executive—although it is indeed his responsibility in terms of administration and execution—yet ultimately a successful foreign policy must have public support; and in this country that is not obtained merely by announcing the policy and stating, "This is it." Instead, support for it is obtained by discussing it, arguing about it, and putting it together—sometimes even in a disorderly manner—as the result of discussions, both public and private.

In that connection, the Senator from Florida has done very well, indeed. I suppose that at times we may be in disagreement—but only in degree, not on the fundamentals. Certainly the Senator from Florida has made important contributions.

As to the discussion in regard to the OAS, I hope the Senator from Florida is mistaken in the interpretation that the OAS could take action without the concurrence of the United Nations. I am not in a position to make a definitive statement about that matter; however, I know that at the recent conference at Punta Del Este, provision was made for a group within the OAS to take collective action for its common defense.

One of the things I have discussed with various Senators, including the Senator from Florida, is the possibility of a collective-action program with the Caribbean nations in the immediate vicinity of Cuba. I was delighted to note, the other day, that the President of Costa Rica—and, earlier, also one of the officials of Panama—suggested that there should be a kind of alliance or collective-security pact in the Caribbean area. I believe that should be done. Furthermore, I believe it should be more than a political pact; I think it should have some military overtones.

As my colleagues know, the other day I was very much surprised to hear a responsible official of our Government say that we are now working on a program, on a cooperative basis, between our country and Latin American countries, for political propaganda. At that point I "blew my stack," and almost "went into orbit," as we say, because I could not imagine that our country would wait from 1958 to 1962 to put into effect a counterpropaganda program. Certainly we should long ago have been doing that—using pamphlets and journalists and radio and television commentators—in other words, to make use of counterpropaganda, call it what one will. We cannot do that alone. We must do it in cooperation with our Latin American brothers and neighbors. In fact, they should be out in front, with our country backstopping. For example, I do not think we have done nearly enough to encourage the freedom fighters inside Cuba. I believe there is a way to help the freedom fighters inside Cuba; and if commentators sympathetic to such attempts—such as Howard K. Smith and others—have reason to point out the inadequacy of what is being done, it seems to me to be clear that more should be done, and we should be able to do it.

These suggestions, regardless of their merits—certainly are worthy of consideration by the Government; and the Senator from Florida [Mr. SMATHERS] has been in the forefront in that connection. I compliment him for it.

Mr. SMATHERS. I thank the Senator from Minnesota for his generous references to me.

OFFICIAL TRAVEL—USE OF AMERICAN FLAG AIRLINES

Mr. SMATHERS. Madam President, on September 6, 1962, the Senate passed Senate Concurrent Resolution 53, expressing the sense of Congress that, when travel on official business is to be performed on civil aircraft by legislative and Government employees, the travel shall be performed on U.S.-flag air carriers, except where travel on other aircraft (a) is essential to the official business concerned, or (b) is necessary to avoid unreasonable delay, expense, or inconvenience.

This resolution passed the House on October 1. Legislation requiring use of U.S.-flag vessels when travel is by sea has been on the statute books for some time.

Madam President, the Agency for International Development, under the able leadership of Mr. Fowler Hamilton, has recently issued a general notice to its officers and employees, further implementing this policy with respect to air travel. This is an excellent policy, and Mr. Hamilton and his associates should be commended for their leadership in adhering to it.

I ask unanimous consent that a copy of the policy statement be inserted in the RECORD at this point.

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

AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., September 25, 1962.

Subject: Official travel—Use of American flag airlines:

It is the policy of this Agency to use American flag airlines for travel by AID employees and dependents whenever such facilities are available and their use would not delay the traveler more than 24 hours.

Authorization to use other than an American flag airline will be made only on the basis of a written justification by the traveler, approved in writing by the Administrator, Deputy Administrator for Operations, Deputy Administrator for Administration, Assistant Administrators, or U.S. AID Mission Directors and AID representatives.

The approved justification must be prepared in an original and one copy. The copy is to be presented to and retained by the office making the travel arrangements. The original is to be submitted with the employee's travel voucher.

Manual orders 561.1 and 563.1 will be revised as necessary.

This notice applies to all travel commencing on or after October 8, 1962.

ECONOMIC IMPACT OF ARMS CONTROL AGREEMENTS—STUDY BY SENATE SUBCOMMITTEE ON DISARMAMENT

Mr. HUMPHREY. Madam President, my purpose in speaking today is to report to the Senate regarding an important study conducted by the Senate Foreign Relations Subcommittee on Disarmament on the economic impact of arms control agreements.

I think the subject is very pertinent and timely in view of the fact that the Arms Control and Disarmament Agency represents this Government at Geneva and at the United Nations on the troublesome problem of arms control and disarmament. We surely ought to have within our pattern of thought the operation and plan of disarmament, and what it means to our economy and to the economies of other countries.

I do believe that it is in the public interest that the major conclusions and results of the study be reviewed. Our Government has already shared with the United Nations much of the information developed in the study, and the executive branch has made full use of the data. The full text of the study is confidential. It has been published and made available to the various agencies of the executive branch and Members of Congress. My remarks are in a general nature and in no way violate the confidential nature of the report.

First, let me say a word about how the material for this study was collected.

The subcommittee, with the assistance of a number of economists and statisticians, designed a questionnaire which was sent to 439 companies engaged in defense business in varying degrees. This questionnaire asked for factual information about each company's involvement in defense work and it also requested opinions regarding any possible adjustments a company might need to make if its defense business should end or be curtailed.

The questionnaire divided defense work into 17 different defense items, such as aircraft production; components for missiles; production of fissionable material for weapons purposes; research, development, test, and evaluation on different weapons; and production of ships, tanks, artillery, and weapons of chemical and biological warfare. Defense work on space, electronics, and communications separate from individual weapons systems, and for construction of military facilities was also included. For each defense item the questionnaire requested figures for total sales, defense sales—these divided into prime and subcontract defense sales, unfilled orders, employment—divided into scientific and technical, production, and all other employees, and three categories of costs—payroll, material and supplies, and contract work.

A company was asked to furnish the above information on a consolidated basis for the company as a whole and also for each plant at which defense work was being undertaken. The information was to be supplied for 1959. Defense work for purposes of the study was defined as any contracts with the Department of Defense, the Atomic Energy Commission, the National Aeronautics and Space Administration, and the now defunct Office of Civil and Defense Mobilization. Contracts with private companies and institutions by the Space Administration and the Civil Defense Office, however, were so small in 1959 as to be negligible for the purpose of the study.

Three different groups comprised the 439 companies receiving questionnaires. One group consisted of all companies—other than transportation, fuel, and service companies—which constituted the group of the 100 largest defense contractors any time during the past 5 years, that is, from 1955 to 1959. The second group consisted of 150 companies, characterized as big business, which did defense work but which were not among the 100 largest contractors. The third group was made up of 150 small business companies doing some defense work.

I realize that many businessmen dislike filling out Government questionnaires. Eighty percent of the companies, nevertheless, returned completed questionnaires. This is almost a record. The fact that 370 companies with 1,193 separate establishments doing defense work completed questionnaires for the subcommittee is a great tribute to the willingness of American industry to assist the Government in planning for economic adjustments in the event disarmament agreements should be reached. Let me add parenthetically, lest some clever mathematician calculate that 370 out of 439 is more than 80 percent, that we permitted some companies which were highly decentralized to submit sep-

arate reports and, therefore, a few companies are treated in this manner.

I do wish to emphasize that I was highly gratified by the substantial time and energy expended by so many companies in compiling the data we were seeking. It is unfortunate that the companies cannot obtain copies of the study to see the composite results of their labors. These companies, representing to a considerable degree a cross section of the companies doing defense work, sold to our Defense Establishment anywhere from a few hundred to several hundreds of millions of dollars' worth of talent and goods to keep our country strong and able to meet any military emergency. Yet, by answering our questionnaire, they were also willing to contribute their effort to helping the Government calculate the problems of adjustment that might be anticipated in the event of a disarmament agreement.

There are some who say that American industry is opposed to disarmament, that it is so interested in defense work that it would not support workable and effective disarmament agreements. The people who disseminate and believe such nonsense do not know American industry. The companies represented in the subcommittee's study accounted for some 85 percent of the total amount of procurement and research and development purchased by the Government from private industry for defense purposes. Not one, I repeat, not one of these companies even hinted it opposed a disarmament agreement on grounds that it would cause them economic difficulty. Many, in fact, thanked the subcommittee for making its study. They felt that such a study was further evidence that the United States was sincerely dedicated to the goal of finding an end to the armaments race in which we are now engaged with the Soviet Union. I want my colleagues to know of some of the opinions expressed by American industry.

One leading defense company said it—

> Wholeheartedly supports efforts to find some satisfactory formula for controlled disarmament. It is our firm conviction that the long-range effects of any progress toward that goal can only result in benefit to the whole economy of the country. If the billions now being spent on weapons and warning systems can instead be devoted to lifting still further the levels of living of people; if the tax burden can be reduced and the threat of inflation met; if the hundreds of thousands of scientific-engineering-management teams that are now dedicated to the proposition that the United States shall not be second in any area vital to the national security could once more turn their innovative talents to the competition for the favors of king customer—and if this can be accomplished by an orderly reduction over a reasonable period of time—the results would be invigorating not only to the American economy but also strengthening to the economy of the entire free world.

And another company stated:

> There is no doubt that a sudden withdrawal of defense business would create severe problems for our company and its employees. At the same time we do not believe that such problems of transition should constitute a barrier to a workable and effective arms reduction program. If that can be achieved on a basis that will not reduce the security of the United States, the problem of economic dislocation incident thereto should not be allowed to be an obstacle. The ingenuity of industry and Government should be equal to the challenge of such a problem.

A third defense company wrote:

> The Soviet Union is now convinced that any extensive disarmament would cause so great an economic depression in the United States that the result would be the destruction of the capitalistic system. Therefore, the Soviet leaders do not believe that the United States is sincere in its disarmament proposals. Extensive Government planning to deal with the economic problems arising from drastic disarmament would go a long distance toward convincing the Soviet Union of United States sincerity in the field of arms control.

These quotations come from spokesmen for American industry. They were contained in comments which were received from companies at the time they submitted their questionnaires. They strengthen the view that American industry is behind the efforts of our Government to achieve workable and effective disarmament measures with the Soviet Union. American industry, furthermore, as the subcommittee's study demonstrates, would not in any way oppose or postpone disarmament because of any temporary economic dislocations brought about by the cessation of defense production and procurement.

I want now to turn to some of the principal findings of our subcommittee's economic impact study.

DEFENSE SPENDING IN RELATION TO TOTAL ECONOMY

When we compare the defense budget with the total amount of goods and services produced in the United States we find that defense expenditures take only about 9 to 10 percent. When we compare the amount of defense employment covered by the study with total manufacturing employment, plus certain other industry groups included in the study, the ratio of defense to total employment is 1.2 million workers doing defense work to a little over 21 million engaged in these manufacturing and other related industries. Since the study did not cover all workers engaged in defense work the 1.2 million is undoubtedly somewhat low, but it is unlikely that the total figure for defense workers would be increased by more than a few hundred thousand. In addition, however, there are many service industries located in defense communities which depend upon the existence and continued operation of plants now producing for defense.

Another way of gaging the importance of defense work to the total economy is to compare the number of companies participating in the study with the 500 largest corporations. Of these 500 corporations, which did over $197 billion worth of business in 1959, about one-fourth participated in the economic impact study. The entire 370 companies accounted for over $80 billion in sales, of which almost $22 billion came from defense contracts. The $22 billion of defense work done by the 370 companies represents about 85 percent of the amount spent by the Defense Department for the purchase of military hardware and research and development. This amount, though large as a lump sum expenditure, is small compared with the total manufacturing of American industry, namely $357 billion or about 6 percent.

By mentioning these figures I would not want to mislead anyone by suggesting that, just because the percent of defense spending and employment is low relative to total manufacturing output and employment, no economic problems would be encountered as a result of a comprehensive disarmament agreement. Even a 10-percent reduction in output and employment could have serious economic repercussions. Therefore, although the total amount devoted to defense is a small part of the total economic picture, it is very important that we know ahead of time how we would plan to adjust to any significant reduction in defense spending. Planning now and conducting the appropriate studies could make a major difference in keeping our economy at a high level during any transition period in which defense spending was decreasing and other levels of economic activity were increasing.

CONCENTRATION OF DEFENSE WORK

The military industrial complex that former President Eisenhower warned the country against is one which appears to be centered in a few hands and in a few key places.

By this I do not mean to suggest that there are not important military installations in almost every State which might be affected by a disarmament agreement. The Defense Department states there are about 6,700 separate military installations in the United States and abroad, although may of these are small in terms of the number of personnel at them. Nor do I mean that there are not thousands and thousands of companies engaged in defense business. The Defense Department estimates there are about 18,000 companies doing defense work directly with the Government, and this does not include the many others that do defense work indirectly, that is, under contract with defense companies which are prime contractors. What I do mean is that by far the bulk of defense work is performed by a very few business concerns.

Twenty-four companies accounted for 70 percent of the entire defense expenditures represented by the study. In other words, of almost $22 billion in defense spending about $16 billion went to 24 companies. There were four companies each receiving over $1 billion in defense sales. Four companies received from $750 million to $1 billion. Another 4 companies received from $500 million to $750 million, and 12 companies received from $250 million to $500 million. Most of this revenue came from direct prime contract sales to the Department of Defense and the Atomic Energy Commission, but $2.3 billion was received from subcontracts with other prime contractors. One can see, therefore, that these big companies take in some of each other's wash, so to speak. They not only receive money from the Government for defense, but they also receive money

from each other. Instead of defense money being spread around throughout many companies, it tends to become even more concentrated in a few companies.

By awarding such a large portion of defense work to so few companies, the Government is promoting the concentration of economic power. From an overall economic standpoint it would be preferable to have the impact of any reduction in defense spending spread more evenly throughout the economy and the country. And today, when weapons systems have become so complex, we have transferred to some of these industrial and technological giants great power and influence over the development of these weapons systems. The continued concentration of economic power and the loss of the Government's decisionmaking power over aspects of defense policy are trends in the defense effort which should worry us.

The fact, however, that so much defense work is done by so few companies gives us, at least, a ready handle in terms of preparing for any adjustments due to arms control and disarmament agreements. We know where to start. We should first look to these companies in order to plan any future shift in production and research and development from defense to peacetime pursuits. These 24 companies have 347 plants doing defense work. We should determine how these plants can help meet some of the priority economic needs of the country. The technology of defense has become highly specialized, and we must study how this technology can be adapted to other uses. Many of these specialized plants, for example, could shift their emphasis to the continued and intensified exploration of outer space. I am confident that little or none of the specialized knowledge developed during the past decades of defense production would be lost in a world at peace.

We should also know where these plants subcontract and how these subcontractors would be affected. If we did nothing more at this time than to have a full understanding of the impact of various disarmament agreements on these 24 companies and their 347 defense plants, we would be way ahead in our planning for economic adjustments. When I say "we" I mean Government and industry working in cooperation and partnership. Most of the defense companies, the subcommittee study showed, believed they could make their own adjustments without any large assistance from the Government. Many of the very large companies, however, felt that Government participation was necessary. Only a few of the companies covered by the study had conducted studies of how reductions in defense spending would affect their businesses.

CONCENTRATION BY STATE

Recent reports on defense spending reveal how defense spending is concentrated. It is concentrated by State and it is concentrated by industry. I shall first talk about concentration by State.

Many of us in the Congress have known that the defense effort has followed that popular phrase, "Go west, young man."

It might even be said that it has responded, "California, here I come." Twenty-three percent, almost one-fourth, of the defense business represented by this study was done, not just contracted for, but done, in California. When the Department of Defense reports on its production contracts, it usually pinpoints the location of the company's main office, but it frequently does not reveal the location of the plant which actually does the work. This defect is to a large extent remedied for the purposes of the subcommittee's study, which shows that California led all States as the principal producer and supplier of eight of the major defense categories into which the subcommittee's questionnaire was divided. They were new aircraft production, production of aircraft parts and modification of old aircraft, production of missiles and components, production of ground-based equipment for missiles, space vehicles, research and development on missiles, research, and development on aircraft, and the production of steel for defense uses.

California also has the largest concentration of military personnel and civilian employees of the Department of Defense. Even then, however, the ratio of defense employment to total manufacturing employment in California, 26 percent, is not as high as in some other States such as New Mexico, 53 percent, Arizona, 28 percent, and Washington, 27 percent.

After California the 10 States with the highest defense sales are New York, New Jersey, Ohio, Massachusetts, Connecticut, Texas, Washington, Pennsylvania, North Carolina, and Maryland. Some States which are highly industrialized do not rank high in defense sales. They are Michigan, Missouri, Indiana, and Illinois. Except for Ohio the bulk of the defense industry in the United States is along our coasts, especially in the Northeast and the Southwest. The Midwest, commonly looked upon as a principal center of industry, is obviously busy producing things other than armaments. The seven Midwestern States of Illinois, Michigan, Indiana, Iowa, Wisconsin, Missouri, and Minnesota just barely received together what New York alone received from defense business, about $2.5 billion and this is less than half what is expended in California.

I note, as was pointed out in an article in the Washington Post and Times Herald of September 30, that the share of the Midwest in our defense industry has risen only because of our increased emphasis on more conventional armaments in the past year.

I ask unanimous consent that the article be printed at the conclusion of my remarks.

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

(See exhibit I.)

Mr. HUMPHREY. Madam President, the impact of disarmament obviously would fall unevenly throughout the several States. And yet, as I mentioned earlier, spokesmen for industry or labor have not raised their voices against the national security goal of the United States to end the arms race just as soon as effective agreements can be worked out with the Soviet Union and other countries.

INDUSTRIAL GROUPS AND DEFENSE

The subcommittee's study disclosed that the aircraft industry, of all industries, was the most heavily involved in defense. Thirty-three of the 370 companies participating in the study were classified as being involved in the aircraft industry. Together they accounted for almost half of the $22 billion worth of defense products sold. They were supplying defense needs in electronics, ships, and atomic weapons in addition to aircraft, missiles, and space vehicles. They even produced 14 percent of the total supply of tanks covered by the study.

The aircraft industry is the only industry covered by the study where the amount devoted to defense exceeded by a large margin the amount devoted to commercial enterprise. Only one of the 33 companies sold less than 50 percent of its total output to defense; 23 sold from 75 to 100 percent to defense. Less than 17 percent of total sales came from nondefense orders. The Arms Control and Disarmament Agency and the Department of Defense should be working closely with the aircraft industry to determine what shifts would be undertaken in the event of disarmament to maintain this aspect of the economy at a high level of production and employment.

Companies covered in the study engaged in shipbuilding and in electrical machinery are also heavily active in defense work, but not to the same degree as the aircraft industry. The 13 companies in the shipbuilding industry represented in the study sold more of their output to the Defense Department than to nondefense customers. These shipbuilding companies and nine nonprofit educational and scientific research agencies, as well as engineering and architectural services, were the only industries in addition to aircraft where defense sales exceeded commercial sales.

The electrical machinery industry covered by the study included 71 companies and received the second largest amount from defense. A little over one-third of its $15 billion in total sales came from defense work. Of almost 800,000 employees, 322,000 were engaged in defense activities. The largest defense item of this industry was not associated with any specific type of weapon, but with electronics and communications in general.

In contrast to the aircraft, shipbuilding, and electrical machinery industries and educational and research agencies, all other industries covered by the study were much less involved in the defense effort. Motor vehicle companies appear to be engaged in defense production only to a minor degree compared with their commercial output. None of the 15 automotive companies covered by the study received in excess of 25 percent of their business from defense. Of $22 billion in sales received by these 15 companies in 1959, only 4 percent was defense. Of a total employment of almost 728,000 in 1959, only 37,000 persons were engaged in defense work.

Other industries covered by the study in which defense work was substantial-

ly below nondefense production included machinery except for electrical machinery; primary metals; rubber, tires and plastics; chemical and allied products; construction; professional scientific and control instruments, photographic and optical goods, watches and clocks; fabricated metal products; railroad equipment; stone, clay, and glass products; ordnance and accessories; textile mill products and apparel; and food and beverages. It should also be remembered that if all companies in these industries were included, the ratio of defense to total production would be very much lower. The companies represented by the study by no means comprise the total number of companies in an industry.

If the industries, companies, and individual plants covered by the subcommittee's study could devote their full capacity to producing peacetime goods and services and conducting research and development for nondefense purposes, there is vast potential for the betterment of our citizens and our country, and also I must add, for the citizens of other countries. Companies devoting their full attention to producing for the American market would contribute directly to the increased well-being of the U.S. consumer. But, in addition, companies expanding their trade abroad both in regular commercial channels and in partnership with Government programs for the economic development of countries in Latin America, Asia, the Middle East, and Africa would also indirectly result in economic betterment to our own people.

The need in the United States alone for expanded public facilities is tremendous. The House Committee on Public Works, in its recent report, No. 1756, of June 2, 1962, stated:

> Any reasonably comprehensive calculation will reveal that a staggering outlay is needed to meet the problem. One economist has estimated that we need to invest $40 billion a year for the next 25 years in public capital investment. * * * Even the most conservative estimates on how much money should be allocated by this Nation to meet this problem call for an average annual outlay in excess of $25 billion.

The burden of proof as to whether or not an economy that is heavily engaged in defense production can shift from defense production to the production of strictly peacetime goods rests upon the totalitarian countries. I think it would be well for the United States and the other free countries to remind the world, at the United Nations, in every Assembly meeting, that ever since the Bolshevik revolution of 1917, the Soviet Union has had a vast program of militarism, arms production, and conscription and recruitment of manpower for the army, navy, and air force of the Soviet Union. In other words, the Soviet Union has never had a peacetime economy. The Communist countries have never had any experience whatsoever in terms of overall, complete peacetime production.

This country proved after World War II that it could demobilize a huge Military Establishment of manpower and machines, of industrial equipment and factories, go to a peacetime establishment and move quickly into one of the greatest periods of prosperity and economic expansion that the world has ever known.

We have demonstrated to the world that we know how to disarm, and that we know how to convert from armaments production to peacetime production. I challenge the Soviet Union to give any such demonstration or evidence.

I say this because I have heard critics say that we had better be very careful about discussing the economic impact of disarmament on our economy. I have heard it said that if we discuss this subject too much, we are likely to give the Communists some propaganda. To the contrary, if we discuss the economic impact of disarmament on our economy, we shall reach the conclusion that not only is it possible to make such a conversion without serious dislocation, but it is also possible to have a vastly improved economy, one in which economic expansion moves rapidly, and in which the production of goods and services increases for the common good.

The Soviet Union and other totalitarian countries have had no experience in moving from a vast production of armaments into peaceful production. Therefore, I challenge them to show how they could make that shift without a very serious dislocation of their economy. Possibly that is why the Russians are so reticent and so unwilling to engage in sincere and conscientious discussions in the field of arms control.

I sometimes wonder why we do not press this challenge upon them. I sometimes wonder why we, in our discussions and in our own propaganda, do not tell the world factually and honestly that the Soviets have never disarmed, that they have never been without a military program, that they always have had millions of men under arms, that they have always had a large section of their total economic productive capacity dedicated to arms production.

Yet the men in the Kremlin parade before the world as peacemakers. They try to make the world believe they want peace. They talk about peace when they know they have never had it and do not want it; that they have not had an economy based on peace, and that they have never planned an economy based on peace.

I believe that the Disarmament Subcommittee's study has given evidence that the United States could, and would, be delighted to shift to full peacetime production of goods and services and a full civilian economy without a severe economic dislocation from maintaining a heavy armament program. One beneficial result of the study is to clear the air further of any doubts that the American economy was too heavily involved in armament production to be able to shift without difficulty to nonarmament activities.

Economic problems can be solved if Government and industry have the wisdom and the will to plan ahead. The Congress should do its share by reviewing the extent to which new or modified legislation is needed. For example, an important step would be taken if the Senate acted favorably upon Senate Resolution 375, introduced by Senator HART and 14 cosponsors, of whom I am privileged to be one. This resolution would authorize a study of the economic implications of the $50 billion annual defense expenditures.

Planning is essential. We must look ahead. The subcommittee's studies demonstrate that many of the industries that were studied were planning ahead. They knew what they wanted to do. They have demonstrated their capacity to shift from defense production to peacetime production. They have done this even as the flow of contracts for defense items have been withdrawn from one company or area of America and placed in another company or area of America. We have had some experience, in a very realistic sense, with arms control and disarmament.

The involvement of American industry, our study has shown, is uneven as to number of companies, the distribution of defense sales by State, and the concentration by industry group. It is also uneven as to weapons product, with the greatest share going into missile production, missile research and development, aircraft production, and aircraft research and development. A diversion of resources, funds, and personnel in these companies, States, and industry groups producing for defense can be accomplished without undue loss of economic growth or unemployment. But we need to start planning now in conjunction with the 2 dozen or so key defense companies which account for the major share of defense procurement, research and development.

We need to start now, not so much because any comprehensive disarmament agreement is imminent. But we should place in motion activities which themselves may have a healthy impact on our effort to reduce the pace of the armaments race. The United States must do all it can to persuade the Soviet Union that arms control and disarmament are in the best national interests of both of our countries. We today have the confidence and the strength to lead the nations of the world into a system of collective security which is based more on international cooperation and the peaceful settlement of disputes, and less on the maintenance of costly, dangerous, and destructive armaments.

Often in the past we have used the phrase, "We must negotiate from strength." I submit that the United States, from a military, political, and economic vantage point, now has the strength from which serious, sustained, and reasonable negotiation is feasible. We should employ this strength and confidence wisely. The future of our country and that of our fellow man may depend on our ability to use our wisdom in this paradoxical juncture of great peril and even greater opportunity.

EXHIBIT I

[From the Washington Post, Sept. 30, 1962]

DEFENSE CONTRACTS RISE TO $25 BILLION IN FISCAL 1962; AREA TOTAL FALLS 16 PERCENT

(By John G. Norris)

Total Defense Department contract awards reached $25 billion in the last fiscal year—a 13-percent increase over the year before—while Maryland, Virginia, and District of

Columbia orders dropped by 16 percent, or $206 milion.

This was disclosed in a Pentagon report released yesterday, a report that predicted a continuing rise in arms orders to $27 billion this year, extending to "every major category of military hard goods."

The report, giving a geographic distribution of defense contracts during the fiscal years 1960 through 1962, has obvious economic and political implications.

Midwestern States, it revealed, staged a comeback; California—the leader with 23.8 percent of all Pentagon contract dollars—held its own; Massachusetts gained; New York lost proportionately but was up slightly in volume.

The political impact of the report, made public as election campaigning waxed hot, could be considerable. President Kennedy lifted from it in advance of publication last week to tell West Virginia voters that the total value of defense orders placed in their State has almost quadrupled since he took office in early 1961.

West Virginia awards rose from $36 million in fiscal 1960 to $134 million in fiscal 1962, which ended June 30.

Maryland dropped from a total $528 million in 1961—and $516 million in 1960—to $469 million last year. The Free State held 2.5 percent of the overall $20.4 billion of defense awards in 1960 and in 1962 received but 1.9 percent of the $25-billion pie.

A Pentagon spokesman said the decline in Maryland "was the result of many factors, including a shift of considerable Martin-Marietta Co. research and development work to its Colorado and Florida plants and fluctuations in shipbuilding."

Virginia was down from a total $505 million in awards in fiscal 1961 to $446 million in 1962, though still above the $422 million in 1960. The Old Dominion proportion declined from 2.3 percent of all awards in 1961 to 1.8 percent last year. Pentagon officials said a decline in the volume of Newport News Shipbuilding Corp. work and Hercules Powder contracts influenced the drop.

Contracts awarded to companies in the District of Columbia rose from $95 million in 1960 to $150 million in 1961 and $182 million last year, to a surprising 0.7 percent of the national total. Most of the actual money, however, is spent elsewhere.

The report updates in part a long-range analysis of the Nation's changing defense industry pattern that was published last June. It showed that the Midwest, center of major defense production in World War II and Korea, had lost the major share of Pentagon dollars to the Pacific, Mountain and East Coast States.

Midwestern leaders had been aroused by Defense Department officials' comments that the Midwest had not been alert to the changing character of military orders—mounting research and development work and complex, custom-built weapons, and the much decreased mass production of Army-type equipment.

Midwesterners have been meeting frequently with Pentagon chiefs, university scientists and industrialists to try to stimulate in their region the close association between college brainpower and industry that has caused the shift of defense orders to Massachusetts and California.

The Midwest comeback noted in the current report, however, stems from the Kennedy administration's emphasis on conventional warfare, which has brought heavy orders from Army weapons built in that area. Contract awards in Ohio, Indiana, Illinois, Michigan, and Wisconsin are up from $2,371 million in fiscal 1960 to $3,168 million last year.

Pentagon officials have no complete answer for Maryland's overall decline in defense orders, a decline that came despite large defense research orders.

California awards rose from $4,839 million in fiscal 1960, to $5,277 million in 1961 and $5,993 million last year.

YOM KIPPUR

Mr. HUMPHREY. Mr. President, Yom Kippur, or the Day of Atonement, coming at the end of the high holidays that mark the beginning of the Jewish year, is the day upon which is concentrated that repentance and resolution of amendment appropriate to such a time. In fasting, prayer, and worship, the Jewish people on this occasion acknowledge their wrongdoings of the past year, and express their determination to compensate for injuries done, so far as may be possible, and to live better lives for the coming year.

This is no festive occasion, appropriate for greetings and congratulations. It is appropriate to the occasion, however, that we who are not of the Jewish religious community should remind ourselves that the spirit of this observance is proper and beneficial to all men, and that it would be well for us all to join our prayer with those of the Jewish people, that we all may lead better lives, and the world benefit thereby. The lesson of Yom Kippur, central in the Christian as well as the Jewish tradition, is contained in the passage from the Book of Isaiah that is read in the synagogues on this day:

Is not this the fast that I have chosen? to loose the bands of wickedness, to undo the heavy burdens, and to let the oppressed go free, and that ye break every yoke? Is it not to deal thy bread to the hungry, and that thou bring the poor that are cast out to thy house? When thou seest the naked, that thou cover him; and that thou hide not thyself from thine own flesh? Then shall thy light break forth as the morning, and thine health shall spring forth speedily: and thy righteousness shall go before thee; the glory of the Lord shall be thy reward.

Mr. President, I know men of all faith share these sentiments. With the oncoming of Yom Kippur, we should reflect and ponder these eternal truths.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, October 5, 1962, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 136. An act for the relief of Dinko Dorcic;

S. 320. An act to amend the provisions contained in part II of the Interstate Commerce Act concerning registration of State certificates whereby a common carrier by motor vehicle may engage in interstate and foreign commerce with a State;

S. 453. An act for the relief of Robert J. Scanlan;

S. 507. An act to set aside certain lands in Washington for Indians of the Quinault Tribe;

S. 689. An act for the relief of Karl Heinz Agar;

S. 901. An act to provide for a comprehensive, long-range, and coordinated national program in oceanography, and for other purposes;

S. 962. An act to amend the Federal Aviation Act of 1958, as amended, to aid the Civil Aeronautics Board in the investigation of aircraft accidents, and for other purposes;

S. 1263. An act for the relief of Marie Margaret Arvanetes;

S. 1651. An act to authorize the Commissioners of the District of Columbia to delegate the function of approving contracts not exceeding $100,000;

S. 1999. An act for the relief of Anna Marie Erdelyi;

S. 2568. An act to amend the act of September 7, 1950, to extend the regulatory authority of the Federal and State agencies concerned under the terms of the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31, 1949, and for other purposes;

S. 2667. An act for the relief of Sebastiana Santoro;

S. 2687. An act for the relief of Robert D. Barbee;

S. 2690. An act for the relief of Mona McIsaac Downey;

S. 2697. An act to waive certain time limitations prescribed in chapters 33 and 35 of title 38, United States Code, in the case of certain veterans and eligible persons ordered to active duty with the Armed Forces, or whose period of duty with the Armed Forces was involuntarily extended, on or after August 1, 1961;

S. 2711. An act for the relief of Tasia Demetropoulou (Dimitropoulos);

S. 2753. An act for the relief of Duk Man Lee and Soon Mal Lee;

S. 2777. An act for the relief of Arild Ericksen Sandli;

S. 2795. An act to prohibit the use by collecting agencies and private detective agencies of any name, emblem, or insignia which reasonably tends to convey the impression that any such agency is an agency of the government of the District of Columbia;

S. 2836. An act for the relief of Carmelo Rafala;

S. 2902. An act for the relief of Sumiko Takahashi;

S. 2908. An act for the relief of Rosa Fumarola Balice;

S. 2922. An act for the relief of Raymond Chester Hendon;

S. 2950. An act for the relief of Dwijendra Kumar Misra;

S. 2992. An act for the relief of Michelangelo Comito (Nati);

S. 3085. An act for the relief of Paul Huygelen and Luba A. Huygelen;

S. 3177. An act for the relief of Michael (Mike) Bessler;

S. 3240. An act for the relief of Mrs. Lee Ma Chin-Ying;

S. 3265. An act for the relief of Despina Anastos (Psyhopeda);

S. 3267. An act for the relief of Gunter Heinz Hillebrand;

S. 3275. An act for the relief of Anna Sciamanna Misticoni;

S. 3279. An act for the relief of Yet Gee Moy (Tzse Woo Lai) and Mee Sen Moy (Sau Ming Lai);

S. 3295. An act for the relief of Mathew Lengyel (also known as Brother Paul S.V.A.);

S. 3336. An act for the relief of Lazaro Loyola Arinque, Jr.;

S. 3338. An act to incorporate the American Symphony League;

S. 3390. An act for the relief of Naife Kahl;

S. 3452. An act for the relief of Doctor Hassan M. Nouri;

S. 3504. An act to provide for alternate representation of secretarial officers on the Migratory Bird Conservation Commission, and for other purposes;

S. 3557. An act for the relief of Betty Sandra Fagann;

S. 3600. An act for the relief of Chao Hua-Hsih; and

S.J. Res. 214. Joint resolution authorizing the President of the United States to designate the period from November 26, 1962, through December 2, 1962, as National Cultural Center Week.

ADJOURNMENT TO MONDAY

Mr. HUMPHREY. Madam President, if there is no further business to come before the Senate, I now move, under the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 7 o'clock and 20 minutes p.m.) the Senate adjourned, under the previous order, until Monday, October 8, 1962, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 5, 1962:

DIPLOMATIC AND FOREIGN SERVICE

John W. Tuthill, of Illinois, to be the Representative of the United States of America to the European Communities, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

James W. Riddleberger, of Virginia, a Foreign Service officer of the class of career ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Austria.

James Wine, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ivory Coast.

UNITED NATIONS

The following-named persons to be representatives of the United States of America to the 12th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization:

Lucius D. Battle, of Florida.
George V. Allen, of North Carolina.
Mrs. Mildred McAfee Horton, of New Hampshire.
Walter M. Kotschnig, of Maryland.
John H. Morrow, of New Jersey.

The following-named persons to be alternate representatives of the United States of America to the 12th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization:

Henry S. Commager, of Massachusetts.
Herbert W. Hill, of New Hampshire.
Eugene H. Jacobson, of Michigan.
Robert A. Kevan, of Virginia.
Joseph B. Platt, of California.

POST OFFICE DEPARTMENT

Kenneth P. Steinreich, of New York, to be a member of the Advisory Board for the Post Office Department.

IN THE NAVY

Under the provisions of title 10, United States Code, section 5231, Rear Adm. Ephraim P. Holmes, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of vice admiral while so serving.

U.S. MARSHAL

Frank Udoff, of Maryland, to be U.S. marshal for the district of Maryland for the term of 4 years, vice Gerald F. Bracken.

POSTMASTERS

The following-named persons to be postmasters:

CONNECTICUT

Warren A. Holbrook, Amston, Conn., in place of S. G. Turshen, deceased.

GEORGIA

Joseph M. Rush, Kingsland, Ga., in place of J. C. Casey, retired.

IDAHO

Berniece B. Evans, McCammon, Idaho, in place of C. S. Thornley, retired.

ILLINOIS

Robert A. Smith, Elvaston, Ill., in place of J. N. Cunningham, retired.
William H. Haycraft, Franklin, Ill., in place of W. A. Tranbarger, transferred.
Russell W. Martin, Hanover, Ill., in place of A. E. Young, deceased.
Carl H. Vaughn, Kinderhook, Ill., in place of M. E. McCarl, retired.
G. Kenneth Furrer, San Jose, Ill., in place of F. E. Smith, retired.
W. Rex Butler, Saybrook, Ill., in place of E. E. Tipsord, transferred.
Donald E. Howe, Warrensburg, Ill., in place of F. M. Binkley, retired.

INDIANA

N. Artelle Lassiter, Windfall, Ind., in place of M. E. Martin, transferred.

KENTUCKY

Joseph L. Thomas, Glendale, Ky., in place of L. M. Stuart, retired.
John S. Humphrey, Jr., Jeffersontown, Ky., in place of R. H. Dickson, deceased.

MISSOURI

Kestner E. Story, Matthews, Mo., in place of R. M. Radcliffe, retired.

NEBRASKA

Blaine T. Larsen, Beaver Crossing, Nebr., in place of P. C. Geis, transferred.
Wilfred L. Kozisek, Bruno, Nebr., in place of E. L. Spatz, retired.
Elgar R. Dempcy, Eustis, Nebr., in place of A. R. Montgomery, transferred.

NEW JERSEY

Mabel P. Wood, Barnegat Light, N.J., in place of F. B. Engelsen, resigned.
Henry P. Hofstetter, Pine Beach, N.J., in place of C. J. Gray, deceased.

NORTH CAROLINA

Edith C. Swann, Olivia, N.C., in place of M. T. Brazo, retired.

OHIO

Carl J. Richards, Mesopotamia, Ohio, in place of L. L. Ford, deceased.
Max R. Westfall, North Lewisburg, Ohio. in place of L. D. Overfield, deceased.
Frank J. Carpenter, Swanton, Ohio, in place of W. J. Pinkstone, retired.

OKLAHOMA

J. Hugh Bryant, Sand Springs, Okla., in place of C. C. Evans, deceased.

PENNSYLVANIA

Thomas F. Doyle, Marion Center, Pa., in place of R. M. Dodson, retired.

TENNESSEE

Harvey G. Fitzgerald, Humboldt, Tenn., in place of E. H. Gibson, retired.
Roscoe M. Hill, Luttrell, Tenn., in place of J. C. Davis, retired.

VIRGINIA

Charles A. Ashe, Gloucester Point, Va., in place of N. H. Tillage, deceased.

WASHINGTON

Theodore F. Holtzheimer, Blaine, Wash., in place of W. V. Cowderoy, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 5, 1962:

FEDERAL TRADE COMMISSION

A. Leon Higginbotham, Jr., of Pennsylvania, to be a Federal Trade Commissioner for the term of 7 years from September 26, 1962.

U.S. COAST GUARD ACADEMY

Roderick M. White, to be a member of the permanent commissioned teaching staff of the U.S. Coast Guard Academy with the permanent grade of lieutenant in the U.S. Coast Guard.

COAST AND GEODETIC SURVEY

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the Coast and Geodetic Survey:

To be lieutenants

James B. Allen — W. Paul Yeager
J. Austin Yeager — John D. Bossler

POSTMASTERS

ALABAMA

Guessna G. Harrell, Enterprise.
Hugh Moses, Hamilton.

ARIZONA

Dorman J. Bryce, Casa Grande.
Ben L. Gibbons, Chinle.
Lorum E. Stratton, Snowflake.

ARKANSAS

Thelma S. Butler, De Witt.
Jerry W. Starling, Magazine.

CALIFORNIA

Clyde E. Avery, Blythe.
Robert H. Petty, Laton.
George A. Newcomb, Laytonville.

COLORADO

Adelyn R. Burdick, Lyons.
Wallace R. Thompson, Wiley.
Hugh L. Grauerholz, Yuma.

CONNECTICUT

John J. Falvey, Groton.

DELAWARE

Jackie Hickman, Bethany Beach.
Lillias E. Carson, Clayton.
Hazel D. Grier, Woodside.

FLORIDA

Josephine C. Blondheim, Atlantic Beach.
Richard A. Monahan, Boynton Beach.
Elizabeth R. Steed, Lynn Haven.

GEORGIA

James J. Smith, Alma.

IDAHO

Maurice W. Drevlow, Craigmont.
Clifford L. Davis, Iona.
Luis Berriochoa, Mountain Home.

ILLINOIS

Dru A. Tighe, Aledo.
Harry H. Semrow, Chicago.
Jack L. Brandt, Geneva.
Bessie L. Finley, La Rose.
Mary F. Hall, Mahomet.
Max Martin, Newman.
Frank J. Wiedemann, Ringwood.
John B. Rushing, Simpson.
Rita F. Winkler, South Elgin.
John E. Sollars, Jr., Wellington.

IOWA

Mildred L. Lisk, Lynnville.
Lawrence V. Benda, Waterville.

KANSAS

Lawrence A. Baalman, Hoxie.
Daryl E. Daniels, Johnson.
Lawrence Meidinger, Leona.

KENTUCKY

Raymond Ison, Blaine.
Edith L. Cole, Columbus.
Mayme B. Moore, Dixon.
W. Ardel Fields, Hickman.
John H. Carlberg, Muldraugh.
Frank C. Dillon, Paint Lick.
James D. Syers, Sturgis.

LOUISIANA

Joseph R. LeBlanc, Delcambre.
William H. Davis, Jr., Lacombe.
Charles E. Miller, Livingston.
Joseph M. Accardo, Patterson.

Lois N. Farrar, Lillie.
Malcolm J. Donaldson, Reserve.
Mary M. Hedrick, Waterproof.

MAINE

Thomas W. Churchill, Kezar Falls.

MARYLAND

John L. Carlson, Annapolis.
Lenwood C. Moss, Brunswick.
Olive S. Parsons, Garrett Park.
Herbert H. Colburn, Havre de Grace.

MASSACHUSETTS

Mary E. Baumann, Hinsdale.
Thomas P. Costin, Jr., Lynn.
John P. Callahan, Lynnfield.
Walter Kashtan, West Mansfield.
Francis R. Raymond, Williamstown.

MICHIGAN

Roy A. Hierholzer, Grand Haven.
John S. Kilbride, Midland.
Wilfred F. Jacques, Paradise.
Ida L. Orosz, Scotts.

MINNESOTA

William G. Nixon, Claremont.
Elton D. Schlueter, Gibbon.
Mary J. Derito, Mountain Iron.
Enna A. Kallroos, Squaw Lake.
Harry A. Grande, Ulen.
Leonard J. Buelt, Waltham.
Herbert T. Peterson, Williams.

MISSISSIPPI

Dell T. Frazier, Beulah.
Mark Rayborn, Jr., Lumberton.

MISSOURI

Dorothy A. Fritts, Amsterdam.
David E. Adams, Bellflower.
Joseph O. Green, Bernie.
Gilbert Bradley, Creighton.
Major L. Sapp, Holts Summit.
Glen J. Henry, New Cambria.
Dorothy L. Koenke, Syracuse.
Howard R. Smith, Vandalia.

MONTANA

Lucille E. Schumm, Edgar.
James S. Torske, Hardin.
Thomas C. Martin, Hobson.
Violet B. Wood, Joplin.

NEBRASKA

R. Daniel DeVries, Douglas.
Emanuel Roth, Gering.
Homer L. Craig, Peru.
Elsie A. Baxa, Western.

NEVADA

William G. Godecke, Minden.

NEW HAMPSHIRE

John D. Fitzgerald, Plaistow.

NEW JERSEY

John W. Wright, Cape May Court House.

NEW MEXICO

Patsy A. Chavez, Navajo Dam.

NEW YORK

Raymond O. Barker, Hudson Falls.
Edna V. Monica, North Bangor.
Betty M. Tyrrell, Severance.
Dorothy L. Varley, Thomson.

NORTH CAROLINA

Roy C. Williams, Jr., Angier.
Robert L. Lane, Butner.
William M. Carver, Durham.
D. Victor Meekins, Manteo.
Rosa J. Vernon, Milton.
Charlie J. Ussery, Norwood.
Edward A. Griffin, Sanford.

NORTH DAKOTA

Howard W. Pletan, Steele.

OHIO

Conrad A. Bayer, Cleves.
Wanda M. Keylor, Fairview.
Ellen L. Garner, Jerry City.
Glenn A. Opfer, Lagrange.
Evelyn D. Piccin, Lansing.
Florence M. Pontious, Laurelville.
Jeanne D. Pyles, New Hampshire.
A. Cooper McCauslen, Steubenville.
Victor Videmsek, Willoughby.

OKLAHOMA

Orville A. Linduff, Drumright.

OREGON

James R. Landers, Beaverton.
Lawrence J. Armbrust, Creswell.
Phyllis Hill, Detroit.
Sister Joseph Mary Basick, Marylhurst.
George B. McClure, Vale.
Chester T. French, Waldport.
Nathaniel L. Green, Yachats.

PENNSYLVANIA

Bertram L. Ream, Elizabethtown.
W. LeVerne Wolf, Geigertown.
Ruth M. Rosencrance, Greeley.
Allen G. Gombert, Jr., Parryville.
Vincent E. Schields, Shohola.

SOUTH CAROLINA

Mary E. Creech, Blackville.

SOUTH DAKOTA

Donald J. Stransky, Chamberlain.
Irve C. Hanson, Pollock.

TENNESSEE

Ernest M. Warmbrod, Belvidere.

TEXAS

William M. Patterson, Ballinger.
Mary S. Sparks, Beckville.
Harbert S. Byers, Celeste.
Mary B. Lee, Charlotte.
Varner Stevens, Childress.
James E. Carpenter, Comanche.
Ernest L. Davis, Dimmitt.
June D. Moye, Donna.
Louise W. McMullen, Keltys.
Lloyd F. Hurt, Kingsbury.
Jerry W. Canaday, Lone Star.
Ralph E. Archer, Lyford.
Roland A. Johnson, McCamey.
Ulman Bruner, Mineola.
William L. Brinkley, Mount Enterprise.
J. Hayes Johnson, Jr., Mount Pleasant.
Spencer C. Beavers, Jr., Muleshoe.
Marvin G. Handrick, Thorndale.

VIRGINIA

Robert W. Nash, Brodnax.
Kerry P. Sutherland, Grundy.
Garland M. Tyree, Somerset.
William E. Howerton, Stuarts Draft.
Shirley C. Carroll, Swope.

WASHINGTON

Carrie M. Milne, Thornton.

WEST VIRGINIA

Evelyn D. Lightner, Cass.
Ronald B. Mills, Mount Storm.
Harold E. Starcher, Ripley.
James W. Michael, Rivesville.
Grady D. Owens, Summit Point.

WISCONSIN

Rudolph P. Anich, Ashland.
Joseph T. Kurylo, Hales Corners.
Robert K. Dusek, River Falls.

WYOMING

Elmer M. Reibeling, Burns.

HOUSE OF REPRESENTATIVES

FRIDAY, OCTOBER 5, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Nahum 1: 7: *The Lord is good, a stronghold in the day of trouble; and He knoweth them that trust in Him.*

Eternal and ever-blessed God, grant that through the attitude and avenue of prayer our life may find focus and its true perspective.

May there be vouchsafed unto us a deeper insight as to its real meaning and a clearer vision that its majesty is revealed when we live nobly and usefully.

We earnestly beseech Thee that the motto, "In God We Trust," which now adorns this Chamber, may strengthen and sustain us when, at times, we feel that the human order is being swept bare of peace and good will.

Kindle within our minds and hearts Thy divine light which can never be eclipsed or extinguished, and that trust in Thee which will supplant all feelings of doubt and despair.

Inspire the Members of Congress to measure up to their obligations and opportunities and be girded with those capacities and resources that will enable them to command and control whatever exigencies and emergencies they may encounter.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill and a joint resolution of the House of the following titles:

H.R. 7781. An act to authorize the Administrator of General Services to convey by quitclaim deed a parcel of land in Prince Georges County, Md., to the Silver Hill Voluntary Fire Department and Rescue Squad; and

H.J. Res. 489. Joint resolution to provide protection for the golden eagle.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2900. An act to provide for the representation of certain defendants in criminal cases in the U.S. district courts;

S. 3024. An act to extend the maximum maturity of Veterans' Administration-guaranteed or insured home loans from 30 to 35 years;

S. 3459. An act to authorize the appointment of one additional Assistant Secretary of State; and

S.J. Res. 235. Joint resolution to extend the time during which loans for mass transportation facilities may be made under title II of the housing amendments of 1955.

THE UNIVERSITY OF MISSISSIPPI

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent to address the house for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN of New York. On September 21 I introduced H.R. 13202 which provides that no Federal financial or other