Barron spoke at a dinner in the First Baptist Church which was held as part of observances of the 100th anniversary of the Emancipation Proclamation.

Other speakers were Roy Wilkins, executive secretary for the National Association for the Advancement of Colored People, and former Governor Cecil Underwood.

Senator JENNINGS RANDOLPH, originally scheduled to appear, was unable to attend because he was a member of a Senate delegation at the funeral of Senator Robert Kerr in Oklahoma. Excerpts from his prepared text were read.

Barron said the State is particularly proud of "our fine record in the desegregation of schools," and that the total number of Negroes working in State government probably is at an all time high.

In his prepared remarks, Senator RANDOLPH said the future task of emancipation is extending the scope of freedom to white as well as Negro Americans.

"For when the American Negro has full equality of education—when color no longer bars him from equal opportunity and when he becomes a full participant in the American community—then also will all Americans be emancipated from the foreboding, fear, anxiety, and misunderstanding which yet block the fuller realization of the American dream," RANDOLPH said.

EXCERPTS FROM REMARKS BY SENATOR JENNINGS RANDOLPH, DEMOCRAT, OF WEST VIRGINIA, PREPARED FOR THE EMANCIPATION PROCLAMATION CENTENNIAL ANNIVERSARY, FIRST BAPTIST CHURCH, CHARLESTON, W. VA., JANUARY 4, 1963

Reverend Davis, members of the Emancipation Proclamation Committee, and ladies and gentlemen, perhaps no other action in the history of the American Presidency serves better to illuminate the nature of American history itself, than does the Emancipation Proclamation.

For this action, which President Lincoln exercised as a "military necessity" to save the Union, has in the balance of history become his greatest claim on the affections and respect of his countrymen. And in the eyes of much of the world, President Lincoln's Emancipation Proclamation outshines the original justification of preserving the Union itself.

Lincoln's first and last concern was to save the Union. As he wrote to Horace Greeley shortly before the publication of the preliminary proclamation in September, 1862, "If I could save the Union without freeing any slave, I would do it; and if I could save it by freeing all the slaves, I would do it; and if I could save it by freeing some and leaving others alone, I would also do that."

The Emancipation Proclamation of 1863 took the last of these three alternatives. It limited its application only to the secession States and expressly excluding from its provisions those "48 counties designed as West Virginia," as well as other sections of Virginia held by Union forces.

However, it detracts neither from the significance of the Emancipation Proclamation nor from the greatness of Lincoln to acknowledge that in its inception the Proclamation was issued on the grounds of political and military expediency. For this covenant was committed to ideals and values of the English-speaking world which were much older than the conflict between the North and the South—ideals which achieved their most noble expression in the American Declaration of Independence.

The Proclamation was a successful measure of expediency because it reached into enduring and ultimate values which extended beyond the civil strife of the Nation at that time. For, though active abolitionists were in a minority even in the Northern States, probably no adult or civilized person in any section of the country was entirely free from guilt concerning the enforced bondage of his fellowman. Jefferson, perhaps saw more truly than Lincoln in this respect, when he questioned, "Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of people that these liberties are of the gift of God? That they are not to be violated but with His wrath? Indeed I tremble for my country when I reflect that God is just; this His justice cannot sleep forever * * *."

The Proclamation thus succeeded in its aim because it turned again the soil of liberty which had been cultivated in the Anglo-American world since the Magna Carta. It provided—for adherents to the Union—a moral cause deeper than that of State pride or regional loyalties or even preservation of the Union itself.

Ralph Waldo Emerson, the leading philosopher of that day, spoke for this cause when he wrote, regarding the proclamation, that "The force of the act is that it commits the country to justice, that it compels the innumerable officers, civil, military, naval, of the Republic to range themselves on the line of this equity * * *. The first condition of success is secured in putting ourselves right. We have recovered ourselves from our false position and planted ourselves on a law of nature."

Thus, Lincoln, who campaigned for the Presidency largely on the issue of preventing the spread of slavery to the new States and territories, became the agent for a force greater than himself in the act of abolishing slavery from the established States.

Jefferson spoke of this force as a "gift of God," Emerson, as a "law of nature," and Justice Learned Hand, as the "spirit of liberty." But by whatever name we call it, whatever the theological or philosophic foundation we ascribe to it, it is this thrust that has given direction and meaning to American life for more than three centuries.

And it is this spirit of liberty—dedicated to the unfinished task of emancipation—that gives meaning to our gathering here. In this regard, we do not celebrate—we commemorate the centennial anniversary of the Emancipation Proclamation. We commemorate Lincoln's action by rededicating ourselves to the goal of emancipation—emancipation of all Americans—not only those of color—in body, mind and spirit.

The enforcement of the original Proclamation not only freed the slave from physical bondage. It also freed the master from the bondage of his own despotism. Very often he did not realize his transgression.

Thus, the future task of emancipation is further to extend the scope of freedom for white as well as Negro Americans. For when the American Negro has full equality of education, when color no longer bars him from equal employment, and when he becomes a full participant in the American community, then also will all Americans be emancipated from the forebodings, fear, anxiety and misunderstanding which yet block the fuller realization of the American dream.

Our progress during the 100 years has been stumbling and faltering. But progress there has been; and it is safe to say that no other race has equaled the advancements of the American Negro in the past 50 years. And if a clear view of history reveals to us certain facts, it also provides us with the vision of an ideal which illuminates the way and will help us to achieve a better and brighter future for all Americans.

SENATE

TUESDAY, JANUARY 15, 1963

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

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

Almighty and ever-living God, hushing our feverish ways, in contrition we bow in this quiet moment dedicated to the unseen and eternal.

Confirm, we beseech Thee, our abiding faith in the deep and holy foundations which the fathers laid, lest in foolish futility we attempt to build on sand, instead of rock.

In this solemn hour of human destiny deepen in us, we pray, an awareness of surpassing opportunity and of splendid mission to do our full part in averting a global catastrophe as our willful world is given the chance of these fateful days to choose life or death—the blessing, or the dreadful curse which men can bring upon themselves as they turn from Thy love and Thy law.

In the Redeemer's name we ask it. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 10, and Monday, January 14, 1963, was dispensed with.

MESSAGES FROM THE PRESIDENT

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

REPORT OF NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Pursuant to the provisions of Public Law 507, 81st Congress, I transmit herewith the 12th Annual Report of the National Science Foundation for the fiscal year ended June 30, 1962.

JOHN F. KENNEDY.

THE WHITE HOUSE, *January 15, 1963.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the

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United States submitting sundry nominations, which were referred to the appropriate committees.

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

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be a morning hour. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

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

CALL OF THE ROLL

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

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

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

[No. 2 Leg.]

Aiken	Hart	Moss
Anderson	Hayden	Mundt
Bartlett	Hickenlooper	Muskie
Bayh	Hill	Nelson
Beall	Holland	Neuberger
Bennett	Hruska	Pastore
Bible	Humphrey	Pearson
Boggs	Inouye	Pell
Brewster	Jackson	Prouty
Burdick	Javits	Proxmire
Byrd, W. Va.	Jordan, Idaho	Randolph
Carlson	Keating	Ribicoff
Case	Kennedy	Robertson
Church	Kuchel	Russell
Clark	Lausche	Saltonstall
Cooper	Long, Mo.	Simpson
Cotton	Long, La.	Smathers
Curtis	Magnuson	Smith
Dodd	Mansfield	Sparkman
Dominick	McCarthy	Stennis
Douglas	McClellan	Symington
Eastland	McGee	Talmadge
Edmondson	McIntyre	Tower
Engle	McNamara	Williams, N.J.
Ervin	Mechem	Williams, Del.
Fong	Metcalf	Yarborough
Fulbright	Miller	Young, N. Dak.
Goldwater	Monroney	Young, Ohio
Gruening	Morse	

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Louisiana [Mr. ELLENDER], the Senator from Tennessee [Mr. GORE], the Senator from South Carolina [Mr. JOHNSTON], the Senator from North Carolina [Mr. JORDAN], the Senator from Tennessee [Mr. KEFAUVER], the Senator from South Dakota [Mr. MCGOVERN], the Senator from South Carolina [Mr. THURMOND], and the Senator from Indiana [Mr. HARTKE] are absent on official business.

I further announce that the Senator from Virginia [Mr. BYRD] is necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Illinois [Mr. DIRKSEN] are necessarily absent.

The Senator from Kentucky [Mr. MORTON] is absent on official business.

The Senator from Pennsylvania [Mr. SCOTT] is absent on official business to attend inaugural ceremonies in his State.

The PRESIDENT pro tempore. A quorum is present.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore. The Vice President received, during the adjournment period, numerous reports from the various departments and agencies of the Government, transmitted pursuant to law, which are now, on behalf of the Vice President, laid before the Senate for appropriate reference.

The PRESIDENT pro tempore, on behalf of the Vice President, laid before the Senate the following letters, which were referred as indicated:

REPORTS OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on traffic delays incurred by Government personnel at the Langley Research Center, Hampton, Va.; to the Committee on Aeronautical and Space Sciences.

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the reprograming of funds relating to the Apollo and Gemini programs; to the Committee on Aeronautical and Space Sciences.

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the construction of four multipurpose warehouse type buildings at the Goddard Space Flight Center, Greenbelt, Md.; to the Committee on Aeronautical and Space Sciences.

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the relocation of a launch complex for solid suborbital vehicles from the Atlantic Missile Range to the White Sands Missile Range in New Mexico; to the Committee on Aeronautical and Space Sciences.

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the construction of additional modifications to its Michoud Ordnance Plant, Louisiana; to the Committee on Aeronautical and Space Sciences.

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the construction of a hydrostatic test facility at the National Aeronautics and Space Administration-Marshall Space Flight Center; to the Committee on Aeronautical and Space Sciences.

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

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the construction of a radiation effects facility at the Nuclear Rocket Development Center, Nevada; to the Committee on Aeronautical and Space Sciences.

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the construction of an Explosive Safe Assembly Facility for Unmanned Spacecraft at the Atlantic Missile Range; to the Committee on Aeronautical and Space Sciences.

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the construction program in the Merritt Island area of the Atlantic Missile Range, Cape Canaveral, Fla.; to the Committee on Aeronautical and Space Sciences.

A letter from the Acting Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the reprograming of funds appropriated for the construction of facilities at the Magnetic Fields Component Test Facility, Goddard Space Flight Center, Greenbelt, Md.; to the Committee on Aeronautical and Space Sciences.

A letter from the Acting Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the improvement of the highway between Las Vegas, Nev., and the joint Atomic Energy Commission-National Aeronautics and Space Administration test site (Nuclear Rocket Development Station), a distance of approximately 58 miles; to the Committee on Aeronautical and Space Sciences.

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the construction and equipment of facilities at its Mississippi Test Facility; to the Committee on Aeronautical and Space Sciences.

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the reprograming of funds for the construction of facilities at the Goddard Space Flight Center, Greenbelt, Md.; to the Committee on Aeronautical and Space Sciences.

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the provision of additional funds for the construction of facilities at the Downey, Calif., plant, relating to the Apollo project; to the Committee on Aeronautical and Space Sciences.

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the transfer of funds for the construction of engine test stand No. 2, at the Nuclear Rocket Development Station, Nevada; to the Committee on Aeronautical and Space Sciences.

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the construction of a Mission Control Center at the Manned Spacecraft Center, Houston, Tex.; to the Committee on Aeronautical and Space Sciences.

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the construction of certain facilities required for the research, development, and testing of the Saturn S-IV B; to the Committee on Aeronautical and Space Sciences.

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the allocation of additional funds relating to construction of an all-axes motion generator at the National Aeronautics and Space Administration-Ames Research Center, Moffett Field, Calif.; to the Committee on Aeronautical and Space Sciences.

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the proposed widening of Florida State Route 520, to relieve the heavy volume of vehicular traffic; to the Committee on Aeronautical and Space Sciences.

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant

to law, on the reprograming of construction facilities funds to permit that Administration to modify the vertical test stand No. 3, Propulsion Field Laboratory, Santa Susana, Calif.; to the Committee on Aeronautical and Space Sciences.

PENALTIES FOR MISUSE OF CERTAIN FEED

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to establish penalties for misuse of feed made available for relieving distress or preservation and maintenance of foundation herds (with an accompanying paper); to the Committee on Agriculture and Forestry.

PERMANENCY OF DEFINITION NOW IN EFFECT UNDER AGRICULTURAL ADJUSTMENT ACT OF 1938

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to make permanent the definition of "peanuts" which is now in effect through the 1963 crop under the Agricultural Adjustment Act of 1938 (with an accompanying paper); to the Committee on Agriculture and Forestry.

AMENDMENT OF COMMODITY EXCHANGE ACT

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Commodity Exchange Act, as amended (with an accompanying paper); to the Committee on Agriculture and Forestry.

CLARIFICATION OF AUTHORITY UNDER THE SOIL BANK ACT

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to clarify the authority of the Secretary of Agriculture to prescribe contract violations which warrant termination of soil bank contracts and the authority of State agricultural stabilization and conservation committees to impose civil penalties required by section 123 of the Soil Bank Act (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORT OF OPERATIONS UNDER SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on operations, expenditures, and obligations under sections 7 to 14 of the Soil Conservation and Domestic Allotment Act, for the fiscal year ended June 30, 1962 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF FARM CREDIT ADMINISTRATION

A letter from the Governor, Farm Credit Administration, Washington, D.C., transmitting, pursuant to law, the 29th annual report of that Administration on the work of the cooperative Farm Credit System, for the fiscal year ended June 30, 1962 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORTS ON TITLE I AGREEMENTS UNDER AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

A letter from the Administrator, Foreign Agricultural Service, Department of Agriculture, reporting, pursuant to law, on the agreements with Egypt and Iceland, under title I of the Agricultural Trade Development and Assistance Act of 1954 (with accompanying papers); to the Committee on Agriculture and Forestry.

A letter from the Acting Administrator, Foreign Agricultural Service, Department of Agriculture, reporting, pursuant to law, on the agreements with Israel, Turkey, and the United Arab Republic (Egypt), under title I of the Agricultural Trade Development and Assistance Act of 1954 (with accompanying papers); to the Committee on Agriculture and Forestry.

A letter from the Associate Administrator, Foreign Agricultural Service, Department of Agriculture, reporting, pursuant to law, on the amended agreements with Tunisia and Brazil, under title I of the Agricultural Trade Development and Assistance Act of 1954 (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT OF NATIONAL FOREST RESERVATION COMMISSION (S. DOC. NO. 3)

A letter from the President, National Forest Reservation Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1962 (with an accompanying report); to the Committee on Agriculture and Forestry, and ordered to be printed.

REPORTS ON OVEROBLIGATION OF APPROPRIATIONS

A letter from the Secretary of Agriculture, reporting, pursuant to law, a violation relating to overobligation of an appropriation in the Transportation and Facilities Research Division of the Agricultural Marketing Service of the Department of Agriculture; to the Committee on Appropriations.

A letter from the Secretary of Defense, transmitting, pursuant to law, reports covering 14 overobligations of appropriations within the Department of Defense (with accompanying papers); to the Committee on Appropriations.

A letter from the Deputy Administrator, Veterans' Administration, reporting, pursuant to law, on the overobligation of an appropriation within that Administration; to the Committee on Appropriations.

A letter from the Administrator, Housing and Home Finance Agency, Washington, D.C., transmitting, pursuant to law, a report on the overobligation of an appropriation in the low rent public housing program fund, Public Housing Administration, fiscal year 1963, Housing and Home Finance Agency (with an accompanying report); to the Committee on Appropriations.

A letter from the Administrator, Veterans' Administration, Office of Administrator of Veterans Affairs, reporting, pursuant to law, two violations of overobligations of appropriations in that Administration; to the Committee on Appropriations.

REPORTS ON REAPPORTIONMENT OF APPROPRIATIONS

Five letters from the Director, Bureau of the Budget, Executive Office of the President, dated October 30, November 5, November 5, December 5, and December 17, 1962, respectively, reporting, pursuant to law, that sundry appropriations in certain departments and agencies of the Government were reapportioned on a basis which indicates the necessity for supplemental estimates of appropriations; to the Committee on Appropriations.

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, dated December 19, 1962, reporting, pursuant to law, that the appropriation to the Department of Health, Education, and Welfare for "Grants to States for public assistance" for the fiscal year 1963, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Justice for "Salaries and expenses, U.S. attorneys and marshals" for the fiscal year 1963, had been reapportioned on a basis indicating a need for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT ON JUDGMENTS RENDERED BY U.S. COURT OF CLAIMS (S. DOC. NO. 2)

A letter from the clerk, U.S. Court of Claims, Washington, D.C., transmitting, pursuant to law, a report on all judgments rendered by that court, for the year ended September 30, 1962 (with an accompanying report); to the Committee on Appropriations, and ordered to be printed.

REPORT OF OFFICE OF CIVIL DEFENSE

A letter from the Secretary of Defense, transmitting, pursuant to law, a report of the Office of Civil Defense, covering the fiscal year 1962 (with an accompanying report); to the Committee on Armed Services.

EXTENSION OF INDUCTION PROVISIONS OF THE UNIVERSAL MILITARY TRAINING AND SERVICE ACT

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to extend the induction provisions of the Universal Military Training and Service Act, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

REPORT ON PROPERTY ACQUISITIONS OF EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment, for the quarter ended September 30, 1962; to the Committee on Armed Services.

REPORT ON FEDERAL CONTRIBUTION PROGRAM

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on the Federal contributions program, for the quarter ended June 30, 1962 (with an accompanying report); to the Committee on Armed Services.

REPORT ON REAL AND PERSONAL PROPERTY OF DEPARTMENT OF DEFENSE

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on real and personal property of that Department, as of June 30, 1962 (with an accompanying report); to the Committee on Armed Services.

REPORT ON STATUS OF TRAINING OF RESERVE COMPONENTS OF THE ARMED FORCES

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the status of training of each reserve component of the Armed Forces and the progress made in strengthening of the reserve components, during fiscal year 1962 (with an accompanying report); to the Committee on Armed Services.

REPORT ON CONSTRUCTION OF ARMY NATIONAL GUARD ARMORY AT GREENSBORO, ALA.

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), reporting, pursuant to law, that a project had been approved for the construction of an Army National Guard armory at Greensboro, Ala.; to the Committee on Armed Services.

AMENDMENT OF NATIONAL INDUSTRIAL RESERVE ACT OF 1948

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend the National Industrial Reserve Act of 1948 (with an accompanying paper); to the Committee on Armed Services.

REPORT ON FLIGHT PAY, DEPARTMENT OF THE ARMY

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on flight pay in that Department, for the period July 1 to December 31, 1962 (with an accompanying report); to the Committee on Armed Services.

REPORT ON NUMBER OF OFFICERS ON DUTY WITH HEADQUARTERS, DEPARTMENT OF THE ARMY, AND ARMY GENERAL STAFF

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on the number of officers on duty with Headquarters, Department of the Army, and the Army General Staff, on September 30, 1962 (with an accompanying report); to the Committee on Armed Services.

AMENDMENT OF CODE RELATING TO REQUIREMENT THAT AN ALIEN MAKE A DECLARATION OF INTENTION TO BECOME A CITIZEN

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend sections 510 and 591 of title 10, United States Code, to remove the requirement that an alien must make a declaration of intention to become a citizen of the United States before he may be enlisted or appointed in a Reserve component (with an accompanying paper); to the Committee on Armed Services.

CONFINEMENT AND TREATMENT OF OFFENDERS AGAINST UNIFORM CODE OF MILITARY JUSTICE

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide for confinement and treatment of offenders against the Uniform Code of Military Justice (with accompanying papers); to the Committee on Armed Services.

AMENDMENT OF CODE RELATING TO AWARD OF CERTAIN MEDALS AND THE MEDAL OF HONOR ROLL

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend titles 10, 14, and 38, United States Code, with respect to the award of certain medals and the Medal of Honor roll (with an accompanying paper); to the Committee on Armed Services.

AMENDMENT OF MISSING PERSONS ACT TO COVER CERTAIN PERSONS DETAINED IN FOREIGN COUNTRIES AGAINST THEIR WILL

A letter from the Secretary of the Air Force, transmitting a draft of proposed legislation to further amend the Missing Persons Act to cover certain persons detained in foreign countries against their will, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

REPORT ON OFFICERS IN EXECUTIVE ELEMENT OF THE AIR FORCE AT THE SEAT OF GOVERNMENT

A letter from the Secretary of the Air Force, reporting, pursuant to law, that as of September 30, 1962, there was an aggregate of 2,270 officers assigned or detailed to permanent duty in the executive element of the Air Force at the seat of Government; to the Committee on Armed Services.

REPORT ON AIR FORCE MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISING

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on Air Force military construction contracts awarded without formal advertising, for the 6-month period ended June 30, 1962 (with an accompanying report); to the Committee on Armed Services.

REPORT ON FLIGHT TRAINING PROGRAM, DEPARTMENT OF THE AIR FORCE

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on progress of the flight training program for the period August 1, 1961, to November 30, 1962 (with an accompanying report); to the Committee on Armed Services.

PROPOSED TRANSFER OF BOAT AND LAUNCH TO CITY OF ROANOKE, VA.

A letter from the Assistant Secretary of the Navy (Installations and Logistics), reporting, pursuant to law, on the proposed transfer of a plane personnel boat and a motor launch to the city of Roanoke, Va.; to the Committee on Armed Services.

REPORT ON PROCUREMENT RECEIPTS FOR MEDICAL STOCKPILE OF CIVIL DEFENSE EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, on actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, for the quarter ended September 30, 1962; to the Committee on Armed Services.

STATISTICAL SUPPLEMENT, STOCKPILE REPORT

A letter from the Director, Office of Emergency Planning, Executive Office of the President, transmitting, pursuant to law, a Statistical Supplement, Stockpile Report, for the period ended June 1962 (with an accompanying report); to the Committee on Armed Services.

REPORT ON STRATEGIC AND CRITICAL MATERIALS STOCKPILING PROGRAM

A letter from the Deputy Director, Office of Emergency Planning, Executive Office of the President, transmitting, pursuant to law, a report on the strategic and critical materials stockpiling program, for the period January 1 to June 30, 1962 (with an accompanying report); to the Committee on Armed Services.

NOTICE OF PROPOSED DISPOSITION OF CERTAIN CADMIUM

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 2 million pounds of cadmium now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

REPORT ON REVIEW OF VOLUNTARY AGREEMENTS AND PROGRAMS

A letter from the Attorney General, transmitting, pursuant to law, a report on the review of outstanding voluntary agreements and programs under the Defense Production Act of 1950, as of November 9, 1962 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON LIQUIDATION OF ASSETS OF FORMER RECONSTRUCTION FINANCE CORPORATION

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the liquidation of the assets of the former Reconstruction Finance Corporation which were transferred to him by Reorganization Plan No. 1 of 1957 (with an accompanying report); to the Committee on Banking and Currency.

REPORTS ON AWARDS OF PRIME CONTRACTS TO SMALL AND OTHER BUSINESS FIRMS

Four letters from the Assistant Secretary of Defense, Installations, and Logistics, transmitting, pursuant to law, reports on contracts awarded for defense procurement from small and other business firms, for the period July, August, September, and October 1962 (with accompanying reports); to the Committee on Banking and Currency.

REPORT ON EXPORT CONTROL

A letter from the Acting Secretary of Commerce, transmitting, pursuant to law, a report on export control, for the third quarter, 1962 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF COMPTROLLER OF THE CURRENCY

A letter from the Comptroller of the Currency, transmitting, pursuant to law, his report for the year 1961 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF BORROWING AUTHORITY

A letter from the Director, Office of Emergency Planning, Executive Office of the President, transmitting, pursuant to law, a report on borrowing authority, dated June 30, 1962 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON LIQUIDATION ACTIVITIES OF NATIONAL DEFENSE, WAR AND RECONVERSION ACTIVITIES OF RECONSTRUCTION FINANCE CORPORATION

A letter from the Acting Administrator, General Services Administration, Washington, D.C., reporting, pursuant to law, on the progress of the liquidation activities of the national defense, war and reconversion activities of the Reconstruction Finance Corporation, for the quarter ended September 30, 1962; to the Committee on Banking and Currency.

REPORT ON ACTIVITIES OF U.S. TRAVEL SERVICE

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the U.S. Travel Service, for the period April-September 1962 (with an accompanying report); to the Committee on Commerce.

REPORT ON PROVISION OF WAR RISK INSURANCE AND CERTAIN MARINE AND LIABILITY INSURANCE FOR AMERICAN PUBLIC

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the provision of war risk insurance and certain marine and liability insurance for the American public, as of September 30, 1962 (with an accompanying report); to the Committee on Commerce.

REPORT ON COMMISSARY ACTIVITIES OF DEPARTMENT OF COMMERCE

A letter from the Secretary of Commerce, reporting, pursuant to law, that the Department of Commerce conducted no commissary activities outside the continental United States during the fiscal year 1962; to the Committee on Commerce.

REPORT ON PROVISION OF AVIATION WAR RISK INSURANCE

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the provision of aviation war risk insurance, as of September 30, 1962 (with an accompanying report); to the Committee on Commerce.

REPORT ON ACTIVITIES UNDER MERCHANT SHIP SALES ACT OF 1946

A letter from the Acting Secretary of Commerce, transmitting, pursuant to law, a report on the activities of the Maritime Administration of the Department of Commerce under the Merchant Ship Sales Act of 1946, for the period July 1 through September 30, 1962 (with an accompanying report); to the Committee on Commerce.

REPORT OF MIGRATORY BIRD CONSERVATION COMMISSION

A letter from the Secretary of the Interior, as Chairman of the Migratory Bird Conservation Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1962 (with an accompanying report); to the Committee on Commerce.

RELATIONSHIP OF COAST AND GEODETIC SURVEY TO THE AIR FORCE

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend certain provisions of existing law concerning the relationship of the Coast and Geodetic Survey to the Army and Navy so that they will apply with similar effect to the Air Force (with accompanying papers); to the Committee on Commerce.

REPORT ON NEGOTIATED PROCUREMENTS BY THE U.S. COAST GUARD

A letter from the Administrative Assistant Secretary of the Treasury Department, transmitting, pursuant to law, a report on negotiated purchases and contracts made by the Coast Guard since May 19, 1962 (with an accompanying report); to the Committee on Commerce.

REPORT OF INTERSTATE COMMERCE COMMISSION

A letter from the Chairman, Interstate Commerce Commission, transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1962 (with an accompanying report); to the Committee on Commerce.

REPORTS ON BACKLOG OF PENDING APPLICATIONS AND HEARING CASES, FEDERAL COMMUNICATIONS COMMISSION

Three letters from the Chairman, Federal Communications Commission, Washington, D.C., transmitting, pursuant to law, three reports of that Commission on the backlog of pending applications and hearing cases in that Commission as of August 31, 1962, September 30, 1962, and October 31, 1962, respectively (with accompanying reports); to the Committee on Commerce.

REPORT OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, covering the fiscal year ended June 30, 1962 (with an accompanying report); to the Committee on Commerce.

PUBLICATION ENTITLED "STATISTICS OF NATURAL GAS COMPANIES, 1961"

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate a copy of that Commission's publication entitled "Statistics of Natural Gas Companies, 1961" (with an accompanying document); to the Committee on Commerce.

AMENDMENT OF DISTRICT OF COLUMBIA TRAFFIC ACT, 1925

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Traffic Act, 1925, as amended (with an accompanying paper); to the Committee on the District of Columbia.

AMENDMENT OF MOTOR VEHICLE INSPECTION LAW, DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners of the District of Columbia, transmitting a draft of proposed legislation to amend the act entitled "An act to provide for the annual inspection of all motor vehicles in the District of Columbia," approved February 18, 1938, as amended (with accompanying papers); to the Committee on the District of Columbia.

REPORT ON LAND ACQUISITIONS BY NATIONAL CAPITAL PLANNING COMMISSION

A letter from the Chairman, National Capital Planning Commission, Washington, D.C., transmitting, pursuant to law, a report on land acquisitions by that Commission, fiscal year 1962 (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF THE CHESAPEAKE & POTOMAC TELEPHONE CO.

A letter from the vice president, the Chesapeake & Potomac Telephone Co., Washington, D.C., transmitting, pursuant to law, a report of that company, for the year 1962 (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

A letter from the Chairman, District of Columbia Redevelopment Land Agency, Washington, D.C., transmitting, pursuant to law, a report of that Agency, for the fiscal year ended June 30, 1962 (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF PUBLIC UTILITIES COMMISSION, DISTRICT OF COLUMBIA

A letter from the Executive Secretary, Public Utilities Commission of the District of Columbia, transmitting, pursuant to law, a report of that Commission for the calendar year 1961 (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF GEORGETOWN BARGE, DOCK, ELEVATOR & RAILWAY CO.

A letter from the Washington Counsel for the Georgetown Barge, Dock, Elevator & Railway Co., Washington, D.C., transmitting, pursuant to law, the report of that company for the year ended December 31, 1962 (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF ADMINISTRATOR OF VETERANS' AFFAIRS

A letter from the Administrator of Veterans' Affairs, Washington, D.C., transmitting, pursuant to law, his report, for the fiscal year ended June 30, 1962 (with an accompanying report); to the Committee on Finance.

REPORT OF RENEGOTIATION BOARD

A letter from the Chairman, the Renegotiation Board, Washington, D.C., transmitting, pursuant to law, a report of that Board, covering the fiscal year ended June 30, 1962 (with an accompanying report); to the Committee on Finance.

REPORT ON BALANCES OF FOREIGN CURRENCIES ACQUIRED WITHOUT PAYMENT OF DOLLARS

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on balances of foreign currencies acquired without payment of dollars, as of June 30, 1962 (with an accompanying report); to the Committee on Foreign Relations.

COMBINED STATEMENT OF RECEIPTS, EXPENDITURES AND BALANCE OF THE U.S. GOVERNMENT

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a combined statement of receipts, expenditures and balances of the U.S. Government, for the fiscal year ended June 30, 1962 (with an accompanying statement); to the Committee on Government Operations.

REPORT OF DEPARTMENT OF DEFENSE ON DISPOSITION OF FOREIGN EXCESS PERSONAL PROPERTY LOCATED IN AREAS OUTSIDE THE UNITED STATES, PUERTO RICO AND THE VIRGIN ISLANDS

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report of that Department, relating to its disposition of foreign excess personal property located in areas outside the United States, Puerto Rico and the Virgin Islands, for the fiscal year 1962 (with an accompanying report); to the Committee on Government Operations.

REPORT ON DISPOSAL OF FOREIGN EXCESS PROPERTY, DEPARTMENT OF AGRICULTURE

A letter from the Administrative Assistant Secretary of Agriculture, transmitting, pursuant to law, a report of the activities of that Department for the fiscal year ended June 30, 1962 (with an accompanying report); to the Committee on Government Operations.

AGENCY FOR INTERNATIONAL DEVELOPMENT REPLY RELATING TO COMPTROLLER GENERAL'S REPORT ON EXAMINATION OF ECONOMIC AND TECHNICAL ASSISTANCE PROGRAM FOR KOREA

A letter from the Assistant Administrator, Agency for International Development, Department of State, Washington, D.C., transmitting, for the information of the Senate, a copy of that Agency's reply to the Comptroller General, relating to his report on examination of economic and technical assistance program for Korea, fiscal years 1957–61 (with an accompanying paper); to the Committee on Government Operations.

REPORT ON EXAMINATION OF FINANCIAL STATEMENTS OF PANAMA CANAL COMPANY

A letter from the Comptroller General of the United States, transmitting, for the information of the Senate, a copy of a report to the Panama Canal Company on the examination of its financial statements for the fiscal year ended June 30, 1962 (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNAUTHORIZED DIVERSION OF CERTAIN REVENUES BY DEPARTMENT OF AGRICULTURE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the unauthorized diversion of revenues from sale of special permits for hunting and fishing in national forests, Forest Service, Department of Agriculture, dated December 1962 (with an accompanying report); to the Committee on Government Operations.

REPORT ON EXCESSIVE AMOUNTS OF OVERHEAD COSTS CHARGED TO GOVERNMENT COST-TYPE CONTRACTS BY THE QUINCY YARD OF THE BETHLEHEM STEEL CO., QUINCY, MASS.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the excessive amounts of overhead costs charged to Government cost-type contracts by the Quincy yard of the Bethlehem Steel Co., Quincy, Mass. (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON FINANCIAL STATEMENTS OF TENNESSEE VALLEY AUTHORITY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the financial statements of the Tennessee Valley Authority, fiscal year 1962 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON OFFICE OF DEFENSE LENDING, TREASURY DEPARTMENT

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Office of Defense Lending, Treasury Department, fiscal year 1962 (with an accompanying report); to the Committee on Government Operations.

REPORT ON PERSONAL AND REAL PROPERTY RECEIVED BY STATE SURPLUS PROPERTY AGENCIES AND DISPOSED OF TO PUBLIC HEALTH AND EDUCATIONAL INSTITUTIONS

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on personal and real property received by State Surplus Property Agencies and disposed of to public health and educational institutions, covering the quarter ended September 30, 1962 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON INLAND WATERWAYS CORPORATION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Inland Waterways Corporation, fiscal year 1962 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON GORGAS MEMORIAL INSTITUTE OF TROPICAL AND PREVENTIVE MEDICINE, INC.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Gorgas Memorial Institute of Tropical and Preventive Medi-

cine, Inc., fiscal year 1962 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON FINANCIAL STATEMENTS OF COLUMBIA RIVER POWER SYSTEM AND RELATED ACTIVITIES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the financial statements of the Columbia River Power System and related activities, fiscal year 1962 (with an accompanying report); to the Committee on Government Operations.

REPORTS ON REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES ON CERTAIN ACTIVITIES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of the pricing of spare parts purchased under Department of the Navy fixed-price contracts negotiated with Aeroflex Corp., Aeroflex Laboratories Division, Long Island City, N.Y. (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of management of jet aircraft engines by the Air Training Command in its ground training programs for the Department of the Air Force (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of sales of high-temperature alloy scrap by Department of Defense installations in the continental United States, dated October 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of certain records management activities, National Archives and Records Service, General Services Administration, dated December 1961 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of status of prior recommendations of the General Accounting Office, concerning selected activities at aircraft repair and supply bases, U.S. Coast Guard, Treasury Department, dated October 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of the procurement of mobile inspection equipment vans for the Bomarc Missile Weapon System under Department of the Air Force negotiated contract AF 33(600)-36319, with the Boeing Co., Seattle, Wash., dated October 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of administration and utilization of U.S.-owned foreign currencies in selected countries, dated October 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of selected slum clearance and urban renewal activities under the administration of the New York Regional Office, Housing and Home Finance Agency, dated October 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of the surplus airport disposal program and related programs, Federal Aviation Agency, dated October 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of Federal surplus property program, Office of Civil and Defense Mobilization, Executive Office of the President (program transferred to the Department of Defense as of August 1, 1961), dated October 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of supply management of submarine equipment and spare parts in the Department of the Navy, dated November 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of air travel, National Office, Internal Revenue Service, Treasury Department, dated November 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of utilization of excess personal property and disposal of surplus personal property at selected installations of General Services Administration and other Federal agencies, dated November 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of provisional payments made under Department of the Navy contract NObsr-59595, with Hazeltine Electronics Division, Hazeltine Corp., Little Neck, N.Y., dated November 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting to law, a report on the review of air travel by personnel of the Public Housing Administration, Housing and Home Finance Agency, October 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of the real estate program relating to leasing of major facilities and certain other facilities under long-term leases, Post Office Department, dated November 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of automatic data processing activities at selected regional offices, General Services Administration, dated November 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of stock funds and related consumer funds in the Department of Defense, part II, dated December 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of certain land exchanges, Pacific Northwest Region (Region 6), Forest Service, Department of Agriculture, dated December 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of personnel, leave, and travel policies applicable to non-Federal employees in the low-rent public housing program, Public Housing Administration, Housing and Home Finance Agency, dated December 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of selected phases of workable programs for community improvement under the administration of the Fort Worth Regional Office, Housing and Home Finance Agency, dated December 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of the health research facilities construction program administered by the National Institutes of Health, Public Health Service, Department of Health, Education, and Welfare, February 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of the local currency military budget support program for Korea, dated January 1963 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of the administration of construction of certain launch facilities for the Atlas and Titan Intercontinental Ballistic Missiles at selected Air Forces bases, dated January 1963 (with an accompanying report); to the Committee on Government Operations.

REPORTS BY COMPTROLLER GENERAL OF THE UNITED STATES ON CERTAIN EXAMINATIONS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of pricing of F-101 airplane aft fuselage assemblies purchased from Temco Aircraft Corp., Dallas, Tex., by McDonnell Aircraft Corp., St. Louis, Mo., under Department of the Air Force contracts, dated October 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of costs and manpower involved in maintenance of noncombat vehicles in the Department of Defense, dated November 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination into the pricing of 14 subcontracts for components of Polaris missiles awarded to Systron-Donner Corp. under Navy cost-plus-a-fixed-fee contracts with Lockheed Aircraft Corp., dated November 1962 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination into the pricing of subcontracts for nuclear submarine components awarded by the Plant Apparatus Department of Westinghouse Electric Corp., Pittsburgh, Pa., to another department of Westinghouse and charged to the Department of the Navy under cost-plus-a-fixed-fee contracts, dated December 1962 (with an accompanying report); to the Committee on Government Operations.

REPORT ON FINDINGS IN RESPECT TO DEFERMENT OF CERTAIN CHARGES PAYABLE BY KENDRICK IRRIGATION PROJECT, WYOMING

A letter from the Secretary of the Interior, reporting, pursuant to law, his findings and

determinations relating to the deferment of 1963 and 1964 charges payable to the Casper-Alvoca Irrigation District, Kendrick project, Wyoming; to the Committee on Interior and Insular Affairs.

REPORT ON QUALITY OF WATER, UPPER COLORADO RIVER BASIN

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on the quality of water, Upper Colorado River Basin, dated January 1963 (with an accompanying report); to the Committee on Interior and Insular Affairs.

DEVELOPMENT OF EFFECTIVE FEDERAL AND STATE PROGRAMS RELATING TO OUTDOOR RECREATION

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to promote the coordination and development of effective Federal and State programs relating to outdoor recreation, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT ON COLORADO RIVER STORAGE PROJECT AND PARTICIPATING PROJECTS

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the status of the Colorado River storage project and participating projects, for the fiscal year ended June 30, 1962 (with an accompanying report); to the Committee on Interior and Insular Affairs.

ADJUSTMENT OF REIMBURSABLE CHARGES AS DEBTS AGAINST CERTAIN INDIANS OR INDIAN TRIBES

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, copies of orders and supporting documents covering cancellations and adjustments of reimbursable charges of the Government existing as debts against individual Indians or tribes of Indians, for the fiscal year 1962 (with accompanying papers); to the Committee on Interior and Insular Affairs.

DEFERMENT OF CERTAIN CONSTRUCTION PAYMENTS FROM THE MIRAGE FLATS IRRIGATION DISTRICT, NEBRASKA

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on his determinations relating to deferment of certain construction payments due the United States from the Mirage Flats Irrigation District, Mirage Flats project, Nebraska; to the Committee on Interior and Insular Affairs.

CERTIFICATION OF ADEQUATE SOIL SURVEY AND LAND CLASSIFICATION

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that an adequate soil survey and land classification has been made of the lands in the Chief Joseph Dam project, Greater Wenatchee division, Washington (with accompanying papers); to the Committee on Interior and Insular Affairs.

AUDITED FINANCIAL STATEMENTS ON GOVERNMENT OF GUAM

A letter from the supervisor of government services of the firm of Ernst & Ernst, of Los Angeles, Calif., transmitting, at the request of A. B. Won Pat, speaker of the Sixth Guam Legislature, a copy of the Audited Financial Statements and Other Financial Information, Government of Guam, June 30, 1962 (with an accompanying document); to the Committee on Interior and Insular Affairs.

REPORT OF JUDICIAL CONFERENCE OF THE UNITED STATES

A letter from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, a report of the Judicial Conference of the United States, held at Washington, D.C., September 19–20, 1962 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF ATTORNEY GENERAL ON ADMINISTRATION OF FOREIGN AGENTS REGISTRATION ACT OF 1938

A letter from the Attorney General, transmitting, pursuant to law, a report on the administration of the Foreign Agents Registration Act of 1938, as amended, for the calendar year 1961 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON TORT CLAIMS PAID BY TREASURY DEPARTMENT

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on tort claims paid by the Treasury Department, for the fiscal year 1962 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON TORT CLAIMS PAID BY DEPARTMENT OF THE ARMY

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on tort claims paid by that Department, during fiscal year 1962 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON MILITARY PERSONNEL CLAIMS SETTLED BY DEPARTMENT OF THE ARMY

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on military personnel claims settled by the Department of the Army, during fiscal year 1962 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON U.S. AIR FORCE AIRCRAFT CRASH, LITTLE ROCK, ARK., MARCH 31, 1960

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report of claims settled and not settled arising out of the crash of a U.S. Air Force aircraft at Little Rock, Ark., on March 31, 1960 (with an accompanying report); to the Committee on the Judiciary.

MAJ. DONALD B. POWERS

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation for the relief of Maj. Donald B. Powers, U.S. Air Force (with an accompanying paper); to the Committee on the Judiciary.

MAJ. LEONARD H. POTTERBAUM

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation for the relief of Maj. Leonard H. Potterbaum, U.S. Air Force (with an accompanying paper); to the Committee on the Judiciary.

COURT ORDER RELATING TO CLAIM OF SANITARY EQUIPMENT MANUFACTURING CO. *v.* THE UNITED STATES

A letter from the Clerk, U.S. Court of Claims, Washington, D.C., transmitting, pursuant to law, a copy of the court order relating to claim of *The Sanitary Equipment Manufacturing Co.* v. *The United States*, Congressional No. 15–58 (with an accompanying paper); to the Committee on the Judiciary.

REPORT OF SUBVERSIVE ACTIVITIES CONTROL BOARD

A letter from the Acting Chairman, Subversive Activities Control Board, Washington, D.C., transmitting, pursuant to law, a report of that Board, for the fiscal year ended June 30, 1962 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON TORT CLAIMS PAID BY VETERANS' ADMINISTRATION

A letter from the Administrator, Veterans' Administration, Washington, D.C., transmitting, pursuant to law, a report on tort claims paid by that Administration, during fiscal year 1962 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON TORT CLAIMS PAID BY FEDERAL AVIATION AGENCY

A letter from the Deputy Administrator, Federal Aviation Agency, Washington, D.C., transmitting, pursuant to law, a report on tort claims paid by that Agency, during fiscal year 1962 (with an accompanying report); to the Committee on the Judiciary.

REGULATION OF SESSIONS OF DISTRICT COURTS

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide that the district courts shall be always open for certain purposes, to abolish terms of court, and to regulate the sessions of the courts for transacting judicial business (with an accompanying paper); to the Committee on the Judiciary.

AMENDMENT OF SECTION 332, TITLE 28, UNITED STATES CODE, TO PROVIDE FOR INCLUSION OF A DISTRICT JUDGE OR JUDGES ON THE JUDICIAL COUNCIL OF EACH CIRCUIT

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend section 332 of title 28, United States Code, to provide for the inclusion of a district judge or judges on the judicial council of each circuit (with an accompanying paper); to the Committee on the Judiciary.

WITHDRAWAL FROM THE DISTRICT COURTS JURISDICTION OF CERTAIN SUITS

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to withdraw from the district courts jurisdiction of suits brought by fiduciaries who have been appointed for the purpose of creating diversity of citizenship between the parties (with an accompanying paper); to the Committee on the Judiciary.

CLARIFICATION OF STATUS OF RETIRED CIRCUIT AND DISTRICT JUDGES

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to clarify the status of circuit and district judges retired from regular active service (with an accompanying paper); to the Committee on the Judiciary.

AMENDMENT OF SECTION 633, TITLE 28, UNITED STATES CODE, PRESCRIBING FEES OF U.S. COMMISSIONERS

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend section 633 of title 28, United States Code, prescribing fees of U.S. commissioners (with an accompanying paper); to the Committee on the Judiciary.

AMENDMENT OF SECTION 1391, TITLE 28, UNITED STATES CODE, RELATING TO VENUE

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend section 1391 of title 28 of the United States Code, relating to venue (with an accompanying paper); to the Committee on the Judiciary.

AMENDMENT OF SECTION 753(f), TITLE 28, UNITED STATES CODE, RELATING TO TRANSCRIPTS FURNISHED BY COURT REPORTERS FOR THE DISTRICT COURTS

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend section 753(f) of title 28, United States Code, relating to transcripts furnished by court reporters for the district courts (with an accompanying paper); to the Committee on the Judiciary.

INCREASE OF FEES OF JURY COMMISSIONERS IN THE U.S. DISTRICT COURTS

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a

draft of proposed legislation to increase the fees of jury commissioners in the U.S. district courts (with an accompanying paper); to the Committee on the Judiciary.

AMENDMENT OF SECTION 144, TITLE 28, UNITED STATES CODE

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend section 144 of title 28 of the United States Code (with an accompanying paper); to the Committee on the Judiciary.

AMENDMENT OF SECTION 376, TITLE 28, UNITED STATES CODE

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend section 378 of title 28, United States Code (with an accompanying paper); to the Committee on the Judiciary.

TENURE OF TERMS AND RETIREMENT RIGHTS FOR JUDGES HEREAFTER APPOINTED TO THE U.S. DISTRICT COURT FOR DISTRICT OF PUERTO RICO

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide the same life tenure and retirement rights for judges hereafter appointed to the U.S. District Court for the District of Puerto Rico as the judges of all other U.S. district courts now have (with an accompanying paper); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

Three letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

APPLICATIONS FOR PERMANENT RESIDENCE FILED BY CERTAIN ALIEN DEFECTORS

Three letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders granting the applications for permanent residence filed by certain alien defectors, together with a statement of the facts and pertinent provisions of law as to each alien and the reasons for granting such applications (with accompanying papers); to the Committee on the Judiciary.

REPORTS OF AGRICULTURAL HALL OF FAME

A letter from the executive vice president, Agricultural Hall of Fame, Development Fund, Kansas City, Mo., transmitting, pursuant to law, copies of the annual audit and report of the executive vice president to the board of governors of that organization, for the fiscal year ended August 31, 1962 (with accompanying reports); to the Committee on the Judiciary.

REPORT OF VETERANS OF WORLD WAR I OF THE U.S.A., INC.

A letter from the national quartermaster, Veterans of World War I of the U.S.A., Inc., Washington, D.C., transmitting, pursuant to law, a report of that corporation, for the fiscal year ended August 31, 1961 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON AUDIT OF ACCOUNTS OF FUTURE FARMERS OF AMERICA

A letter from the chairman, Board of Directors, Future Farmers of America, Washington, D.C., transmitting, pursuant to law, a report on the audit of the accounts of that organization, for the fiscal year ended June 30, 1962 (with an accompanying report); to the Committee on the Judiciary.

REPORTS OF AMERICAN WAR MOTHERS

A letter from the National president, American War Mothers, Yonkers, N.Y., transmitting, pursuant to law, a report of that organization for the period September 1, 1959, to September 1, 1961 (with an accompanying report); to the Committee on the Judiciary.

A letter from the National President, American War Mothers, Harrisburg, Pa., transmitting, pursuant to law, a report of that organization for the period September 1, 1961, to September 1, 1962 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF SECRETARY OF THE SENATE

A letter from the Secretary of the Senate, transmitting, pursuant to law, his report of receipts and expenditures, for the period July 1, 1961, to June 30, 1962 (with an accompanying report); ordered to lie on the table and to be printed.

REPORT OF NATIONAL MEDIATION BOARD

A letter from the chairman, National Mediation Board, Washington, D.C., transmitting, pursuant to law, a report of that board, for the fiscal year ended June 30, 1962 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORTS RELATING TO SCIENTIFIC AND PROFESSIONAL POSITIONS IN DEPARTMENT OF THE INTERIOR

Two letters from the Administrative Assistant Secretary of the Interior, reporting, pursuant to law, on certain scientific or professional positions in the Department of the Interior; to the Committee on Post Office and Civil Service.

REPORT ON POSITIONS FILLED IN CERTAIN GRADES OF CLASSIFICATION ACT OF 1949

A letter from the Director of Personnel, U.S. Department of Commerce, reporting, pursuant to law, on positions filled under the Classification Act of 1949, in grades GS-16, 17, and 18; to the Committee on Post Office and Civil Service.

REPORT ON SCIENTIFIC OR PROFESSIONAL POSITIONS IN THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY

A letter from the Director, U.S. Arms Control and Disarmament Agency, Washington, D.C., transmitting, pursuant to law, a report on scientific or professional positions in that Agency, covering the year ended December 31, 1962 (with an accompanying report); to the Committee on Post Office and Civil Service.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT, RELATING TO ANNUITIES OF CERTAIN EMPLOYEES OF A JUSTICE OR JUDGE OF THE UNITED STATES

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the Civil Service Retirement Act to authorize the payment of an annuity to a secretary of a justice or judge of the United States on the same basis as an annuity to a congressional employee or former congressional employee (with an accompanying paper); to the Committee on Post Office and Civil Service.

CONSTRUCTION OF ADEQUATE SYSTEM OF ROADS FOR NATIONAL FORESTS

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to enable the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests, and for other purposes (with an accompanying paper); to the Committee on Public Works.

REPEAL OF A PORTION OF THE SECOND SUPPLEMENTAL NATIONAL DEFENSE APPROPRIATION ACT, 1943

A letter from the Acting Administrator, General Services Administration, Washington, D.C., transmitting a draft of proposed legislation to repeal a portion of the Second Supplemental National Defense Appropriation Act, 1943, approved October 26, 1942 (56 Stat. 990, 999), as amended, and for other purposes (with an accompanying paper); to the Committee on Public Works.

REPORT OF TENNESSEE VALLEY AUTHORITY

A letter from the Chairman and Director of the Tennessee Valley Authority, transmitting, pursuant to law, a report of that Authority for the fiscal year ended June 30, 1962 (with an accompanying report); to the Committee on Public Works.

REPORTS OF CERTAIN RECEIPTS AND EXPENDITURES BY AMERICANS FOR DEMOCRATIC ACTION

Two letters from the National Director, Americans for Democratic Action, Washington, D.C., transmitting, pursuant to law, reports on receipts of $100 or more and expenditures of $10 or more by that organization for the period July 1 through September 30, 1962, and October 1 through October 31, 1962, respectively (with accompanying reports); ordered to lie on the table.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore, on behalf of the Vice President:

A joint resolution of the Legislature of the State of Alabama; to the Committee on Finance:

"SENATE JOINT RESOLUTION 6

"Whereas the loss of local markets to foreign imports has caused the shutdown of numerous industrial plants in Alabama with the consequent loss of thousands of jobs, as is attested by findings of a recent survey made under the auspices of the Southern Research Institute in which it is estimated that 20,000 jobs have been lost in the past 5 years in the Birmingham district alone, due largely to the loss of markets to foreign imports; and

"Whereas Calhoun and Etowah Counties have recently lost plants attributable to increased foreign imports, since the iron and steel industry of this State and our extensive textile industry are particularly vulnerable to unfair competition provided by imported foreign products manufactured with cheap labor and subject to low import duties; and

"Whereas the payment of unemployment compensation, the cost of job retraining and the relocation of families creates a drain on tax resources, while at the same time the loss of industrial production and jobs produces a drop in Federal, State, and local tax revenues; and

"Whereas the continued unrestricted flow of foreign imports into this country constitutes a serious threat to the economic stability of this State; and

"Whereas Congressman GEORGE HUDDLESTON has expressed an intention to reintroduce H.R. 403 in the 88th Congress to limit imports and set higher rates of duty on imported products: Now, therefore, be it

"Resolved by the Legislature of Alabama (both houses thereof concurring), That this body expresses strong support of Congressman HUDDLESTON's bill designed to protect and promote the security of a vital segment of Alabama's economy, and does hereby urge the Alabama congressional delegation individually and collectively to exert their influence to secure enactment of Congressman HUDDLESTON'S measure.

"Resolved further, That copies of this resolution be sent to each member of the Alabama congressional delegation in Washington; to the Speaker of the House of Representatives of the United States; to the President and Vice President of the United States; to Hon. Luther Hodges, Secretary of Commerce; and to Hon. Dean Rusk, Secretary of State."

A joint resolution of the Legislature of the State of Illinois; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION 3

"Whereas the 87th Congress of the United States of America, at its 2d session, in both Houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"'*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"'ARTICLE —

"'SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

"'SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.'; therefore be it

"*Resolved by the Senate of the 72d General Assembly of the State of Illinois, at the 2d special session thereof (the House of Representatives concurring herein),* That such proposed amendment to the Constitution of the United States of America be and the same is hereby ratified; and be it further

"*Resolved,* That certified copies of this resolution be forwarded by the Governor of Illinois to the Administrator of General Services, Washington, D.C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States."

A concurrent resolution of the Legislature of the State of Mississippi; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION 23

"Concurrent resolution declining to ratify a proposed amendment to the Constitution of the United States relating to qualification to vote in primary or other elections for President or Vice President, electors for President or Vice President, or for Senator or Representative in Congress

"Whereas at the 2d session of the 87th Congress of the United States of America, a joint resolution proposing an amendment to the Constitution of the United States relating to the qualification of electors for President, Vice President, electors for President or Vice President, Senator or Representative in Congress, was adopted; and

"Whereas said joint resolution provided that the proposed amendment to the Constitution of the United States shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within 7 years from the date of its submission by Congress; and

"Whereas a true copy of said joint resolution has been forwarded to this legislature by the Secretary of the U.S. Senate, said resolution being as follows:

"'*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"'"ARTICLE —

"'"SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

"'"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

"'JOHN W. MCCORMACK,
"'*Speaker of the House of Representatives.*
"'CARL HAYDEN,
"'*President of the Senate pro tempore.*

"'I certify that this joint resolution originated in the Senate.

"'FELTON M. JOHNSTON,
"'*Secretary.*'

"*Therefore, be it resolved by the Mississippi House of Representatives (the Senate concurring therein),* That the proposed amendment to the Constitution of the United States as above set forth be and the same is hereby rejected, and the Mississippi House of Representatives, the Senate concurring therein, hereby declines to ratify the proposed amendment to the Constitution of the United States as hereinabove set forth; be it further

"*Resolved,* That a copy of this resolution be forwarded to the Department of State of the United States of America, the Secretary of the Senate, and the Clerk of the House of Representatives, of the United States."

A resolution of the Sixth Guam Legislature; to the Committee on Interior and Insular Affairs:

"RESOLUTION 426(2-S)

"Resolution relative to expressing to the Honorable John F. Kennedy, President of the United States, the deep gratitude of the people of Guam for his instant respond to their plight resulting from Typhoon Karen and for his declaring Guam a major disaster area.

"*Be it resolved by the Legislature of the Territory of Guam:*

"Whereas following the disaster of Typhoon Karen, practically the first word received from the mainland by the people of Guam was the official announcement from the Office of the President that our Nation's young and vigorous leader had declared Guam to be a major disaster area, thereby permitting massive Federal assistance to help the people of Guam in rebuilding a new and better territory; and

"Whereas the people have been informed that the President is personally interested in the efforts being made to rehabilitate Guam and is taking a direct interest in the activities of the Federal agencies working on the territory's behalf in the wake of the typhoon's destruction, this interest being particularly heartwarming and encouraging when one takes into consideration the momentous problems of worldwide scope, such as the Cuban crisis, the Sino-Indian border war and the continuing Berlin situation, which require the President's constant vigilance and attention; the knowledge that in spite of all these large burdens of state, he can still take a sympathetic and direct interest in Guam's problems is indeed inspiring; and

"Whereas in light of the foregoing, the Legislature of Guam deems it appropriate to express to the President of the United States the appreciation of the people of Guam, and to pledge to him that in return a newer and better Guam will be built in accord with the principles of the New Frontier: Now, therefore, be it

"*Resolved,* That the Sixth Guam Legislature does hereby on behalf of all the people of Guam, both civilian and military, express to the Honorable John F. Kennedy, President of the United States, a deep and undying gratitude for his instant response to Guam's dire needs following Typhoon Karen and for his action in declaring Guam a major disaster area thus enabling Federal agencies to take immediate part in its rehabilitation; and be it further

"*Resolved,* That the speaker certify to and the legislative secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Honorable John F. Kennedy, President of the United States, and to the Congress of the United States, the Senate and House of Representatives, and to the Governor of Guam."

A joint resolution of the Legislature of the Commonwealth of Puerto Rico; to the Committee on Interior and Insular Affairs:

"Whereas, the people of Puerto Rico favor the determination of the final political status of Puerto Rico in such manner that no doubt may remain about the noncolonial nature of such status; and

"Whereas the people of Puerto Rico consequently favor, in different proportions, three forms of political status for Puerto Rico: Commonwealth status, based on common citizenship and developed to the maximum that may be agreed upon between the Congress of the United States and supporters of such status in Puerto Rico; federated statehood, under conditions equal to those of the federated States that already compose the American Union; independence as this status exists in the Latin republics of America; and

"Whereas those who favor Commonwealth status and the supporters of federated statehood are against the separation of Puerto Rico from the United States, and most of the proponents of independence favor that such status be achieved in friendship with the United States; and

"Whereas those who support Commonwealth status conceive its maximum development, in permanent union with the United States of America, under the following principles:

"1. The recognition and reassertion of the sovereignty of the people of Puerto Rico, so that no doubt may remain of their capacity to enter into a compact under conditions of juridical equality.

"2. The assurance of the permanence and irrevocability of the union between the United States and Puerto Rico on the basis of common citizenship, common defense, common currency, free market, common loyalty to the values of democracy, and of such other conditions as may be considered, in the compact, of mutual benefit to the United States and Puerto Rico.

"3. The specific definition of the powers of the United States with respect to Puerto Rico, which shall exclusively be those essential to the union.

"4. All other powers shall be exercised by the constitutional organisms of the people of Puerto Rico.

"5. Participation by the people of Puerto Rico in the powers exercised, under the compact, by the Government of the United States, in matters affecting Puerto Rico, in a measure proportional to the scope of such powers. This may include, among other ways of implementing such participation, the right to vote for the President and Vice President of the United States.

"6. The adoption of a formula under which the people of Puerto Rico will contribute to defray the general expenses of the U.S. Government, in a manner compatible with the stability and economic growth of Puerto Rico.

"Whereas those who favor federated statehood conceive it as the only desirable form of permanent union with the United States, in the way enjoyed by the 50 States of the Union; and

"Whereas those who favor independence conceive it in the form already known in other countries of the Americas; and

"Whereas, such three forms of political status are and should be based on the sovereign capacity of the people of Puerto Rico, whether it be for joining the Union as a federated State, for becoming independent, or for developing Commonwealth status, in permanent union with the United States, as requested by its supporters and as the Congress may agree, along the lines of the fourth whereas of this resolution; and

"Whereas it is hereby clearly expressed that nothing in this resolution shall be interpreted as an endorsement by supporters of Commonwealth status of either federated statehood or independence; or as an endorsement by supporters of federated statehood of either Commonwealth status or independence; or as an endorsement by supporters of independence of either Commonwealth status or federated statehood: Now, therefore, be it

"Resolved by the Legislative Assembly of Puerto Rico:

"SECTION 1. To propose to the Congress of the United States the prompt settlement, in a democratic manner, of the political status of Puerto Rico, applying the principles here expressed in accordance with the whereases of this resolution.

"SEC. 2. That, the Congress once having expressed the form which it is willing to agree that Commonwealth status may take in consonance with the principles contained in the fourth whereas of this resolution, the three status formulas here specified be submitted to the vote of the people of Puerto Rico, on the basis of such expression by Congress and in accordance with the laws of Puerto Rico, so that the winning formula remain established or be established pursuant to the will of the Puerto Rican people.

"SEC. 3. That a copy of this resolution, in the English language, be transmitted to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States, and the Resident Commissioner from Puerto Rico in the United States.

"SEC. 4. This resolution shall take effect immediately upon its approval and shall continue in effect until its purposes are achieved pursuant to the provisions of section 2 hereof."

A letter in the nature of a petition from the Polish Welfare Council, of Schenectady, N.Y., signed by Charles Wendolowski, president, and Mrs. Sophie Zych, secretary, relating to the naming and commissioning of one of the Polaris submarines as the *General Casimir Pulaski*; to the Committee on Armed Services.

A resolution adopted by Local No. 2581, Lumber & Sawmill Workers Union, United Brotherhood of Carpenters & Joiners, of Libby, Mont., favoring the enactment of legislation to place the lumber industry of the United States on a competitive basis with foreign manufacturers through the use of a quota system; to the Committee on Finance.

A resolution adopted by the 88th semiannual convention of the Empire Typographical Conference of the International Typographical Union, at Niagara Falls, N.Y., offering its support to the President of the United States; to the Committee on the Judiciary.

Petitions signed by Jerry Kearney, and sundry other persons, members of the Flatbush Council, Knights of Columbus, of Brooklyn, N.Y., relating to the establishment of prayer in public schools; to the Committee on the Judiciary.

A resolution adopted by the mayor and Board of Council of the City of Irvine, Ky., favoring the construction of the Booneville Dam in the State of Kentucky; to the Committee on Public Works.

THE LATE SENATOR DENNIS CHAVEZ OF NEW MEXICO

The VICE PRESIDENT laid before the Senate a resolution adopted by the board of directors of the Greater Albuquerque Chamber of Commerce, New Mexico, relating to the death of the late Senator Chavez, of New Mexico; ordered to lie on the table, and to be printed in the RECORD, as follows:

Whereas the loss of Dennis Chavez, distinguished senior U.S. Senator from New Mexico has been mourned by all of the citizens of his State; and

Whereas such loss has been mourned by all who knew him, whether personally or by his outstanding contribution to his country; and

Whereas the loss of this distinguished public servant, advocate of human rights, husband and father, is felt in greatest depth by the widow of the late Senator Chavez and his family: Now, therefore, be it

Resolved, That the board of directors of the Greater Albuquerque Chamber of Commerce does hereby join Mrs. Dennis Chavez, the late Senator's family, and his many friends in mourning the loss of this truly great American; and be it

Resolved, That in mourning this loss of U.S. Senator Dennis Chavez, great recognition and tribute be given his exemplary career of public service, his continual advocacy of human rights and the dignity of man, his wisdom and foresight attested by the many facilities and programs in New Mexico and the rest of the Nation for the defense and general welfare of all Americans and his lifelong tenacity in fighting for those concepts and beliefs which he held to be true and the best interests of his Nation; and be it further

Resolved, That a copy of this resolution be spread upon the minutes of this corporation and copies delivered to Mrs. Dennis Chavez, the family, the late Senator's staff and the Secretary of the Senate of the United States.

STUDIES OF MATTERS PERTAINING TO FOREIGN POLICIES OF THE UNITED STATES—REPORT OF A COMMITTEE

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original resolution (S. Res. 25) and submitted a report thereon (S. Rept. No. 1); which resolution was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Committee on Foreign Relations or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make complete studies of any and all matters pertaining to the foreign policies of the United States and their administration.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1963, to January 31, 1964, inclusive, is authorized (1) to make such expenditures; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants; (3) to hold such hearings, to take such testimony, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, and to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; and (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government, as the committee deems advisable.

SEC. 3. In the conduct of its studies the committee may use the experience, knowledge, and advice of private organizations, schools, institutions, and individuals in its discretion, and it is authorized to divide the work of the studies among such individuals, groups, and institutions as it may deem appropriate and may enter into contracts for this purpose.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $150,000 for the period ending January 31, 1964, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

CONTINUANCE OF STUDY OF ACTIVITIES OF NONDIPLOMATIC REPRESENTATIVES OF FOREIGN PRINCIPALS—REPORT OF A COMMITTEE

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original resolution (S. Res. 26) and submitted a report (No. 2) thereon; which resolution was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Committee on Foreign Relations, or any duly authorized subcommittee thereof, is authorized under sections 134 and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to continue its study of the activities of nondiplomatic representatives of foreign principals including, without limitation, foreign governments, foreign political parties, and individuals, partnerships, associations, corporations, organizations or other combinations of individuals, whether foreign or domestic, acting in the place of, or in the interests of, or on behalf of a foreign government or foreign political party, tending or intended to influence the foreign or domestic policies or interests of the United States.

SEC. 2. The committee is further authorized under sections 134 and 136 of the Legislative Reorganization Act of 1946 to give thorough consideration to existing and proposed legislation relating to the activities of nondiplomatic representatives of foreign principals, as aforesaid, and to make such recommendations with respect thereto as may be found by it to be appropriate.

SEC. 3. For the purposes of this resolution the committee is authorized from February 1, 1963, to January 31, 1964, inclusive, (1) to make such expenditures; (2) to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate; (3) to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (4) to take such testimony; (5) to employ, upon a temporary basis, such technical, clerical, and other assistants and

consultants; and (6) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government as it deems advisable.

SEC. 4. The expenses of the committee under this resolution which shall not exceed $50,000 for the period ending January 31, 1964, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SEC. 5. The committee shall complete its study and submit to the Senate not later than January 31, 1964, such results of the study herein authorized together with such recommendations as to existing or proposed legislation as herein authorized as may be found by it to be appropriate.

FUNDS FOR STUDY OF MATTERS PERTAINING TO INTERAGENCY COORDINATION, ECONOMY, AND EFFICIENCY—REPORT OF A COMMITTEE

Mr. HUMPHREY, from the Committee on Government Operations, reported an original resolution (S. Res. 27) to provide funds for the study of matters pertaining to interagency coordination, economy, and efficiency, which was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Committee on Government Operations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to interagency coordination, economy, and efficiency.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1963, through January 31, 1964, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized at its discretion to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,600 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings upon the study and investigation authorized by this resolution, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1964.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $95,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. GOLDWATER (for himself, Mr. YOUNG of North Dakota, Mr. ALLOTT, and Mr. MORTON):

S. 181. A bill to promote education in the United States; to the Committee on Labor and Public Welfare.

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

By Mr. BOGGS:

S. 182. A bill for the relief of Harold H. Senger;

S. 183. A bill for the relief of Eugenia Kuntic and Ivan Kuntic; and

S. 184. A bill for the relief of Ejnar Christen Pedersen; to the Committee on the Judiciary.

S. 185. A bill to provide for holding a White House conference on the impact of automation to be called by the President of the United States not later than 1 year from the date of enactment of this bill and for related purposes; to the Committee on Labor and Public Welfare.

By Mr. BURDICK:

S. 186. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to promote the welfare of the Indian tribes by making available to them surplus personal property; to the Committee on Government Operations.

S. 187. A bill to authorize establishment of the Fort Union Trading Post National Historic Site, North Dakota, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 188. A bill for the relief of Barry T. Thorndycraft; to the Committee on the Judiciary.

S. 189. A bill to bring certain holders of star route and other contracts for the carrying of mail within the purview of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LONG of Missouri:

S. 190. A bill for the relief of Thick Kee Yee; and

S. 191. A bill for the relief of Mrs. Doris Wai Kam Yee; to the Committee on the Judiciary.

By Mr. SALTONSTALL:

S. 192. A bill for the relief of M. Sgt. Benjamin A. Canini, U.S. Army;

S. 193. A bill for the relief of Michelina Lanni;

S. 194. A bill for the relief of Panayota Tanglis; and

S. 195. A bill for the relief of Isabel Loretta Allen; to the Committee on the Judiciary.

By Mr. SALTONSTALL (by request):

S. 196. A bill for the relief of Carnetta Germaine Thomas Hunte; to the Committee on the Judiciary.

By Mr. SIMPSON (for himself and Mr. McGEE):

S. 197. A bill for the relief of Kee Hyung Lee, his wife, Young Shik Chung Lee, and his son, Choong Mu Lee; to the Committee on the Judiciary.

By Mr. KEATING:

S. 198. A bill for the relief of Mother Azucena de San Jose, nee Carmen Hernandez Aguilar;

S. 199. A bill for the relief of Dr. Carlos G. Delgado;

S. 200. A bill for the relief of Lloyd G. Dougherty;

S. 201. A bill for the relief of Mrs. Martha Nemes;

S. 202. A bill for the relief of Yom Tov Yeshayahu Briszk;

S. 203. A bill for the relief of Dr. Duk Ho Lee;

S. 204. A bill for the relief of Hamburg Tang;

S. 205. A bill for the relief of Dr. Nourollah Shadi;

S. 206. A bill for the relief of Chang Ah Lung;

S. 207. A bill for the relief of Dr. Virginia Valenzuela;

S. 208. A bill for the relief of Young Wai;

S. 209. A bill for the relief of William M. Lee;

S. 210. A bill for the relief of Graciela D'Hoedt;

S. 211. A bill for the relief of Lisette Chomali;

S. 212. A bill for the relief of Yoo Sei Chun;

S. 213. A bill for the relief of Carmelo Schillaci;

S. 214. A bill for the relief of Biagio Forgione;

S. 215. A bill for the relief of Mannor Lee; and

S. 216. A bill for the relief of Jackson Lum; to the Committee on the Judiciary.

By Mr. YARBOROUGH:

S. 217. A bill for the relief of Dr. Filomeno B. Kasilag and Erlinda Lucero Kasilag;

S. 218. A bill for the relief of Arie Katzman, his wife, Zipora Katzman, and their two minor children, Orfa Katzman and Orna Katzman; and

S. 219. A bill for the relief of Bernard W. Flynn, Jr.; to the Committee on the Judiciary.

S. 220. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Columbus Bend project, Texas; to the Committee on Interior and Insular Affairs.

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

By Mr. TALMADGE:

S. 221. A bill to provide a new farm program for certain specified agricultural commodities under which American agriculture will be restored to a free enterprise basis; to the Committee on Agriculture and Forestry.

S. 222. A bill to establish qualifications for persons appointed to the Supreme Court; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself, Mr. MANSFIELD, Mr. PASTORE, and Mr. SALTONSTALL):

S. 223. A bill to amend the Communications Satellite Act of 1962 to provide for a program for the participation by small business organizations in the procurement activities of the corporation organized pursuant to that act; to the Committee on Aeronautical and Space Sciences.

By Mr. MUNDT:

S. 224. A bill for the relief of Col. Francis J. McQuillen; to the Committee on Armed Services.

S. 225. A bill to amend title II of the Social Security Act to raise the amount of outside income recipients of insurance benefits thereunder are permitted to earn, and to lower the age after which outside earnings are no longer considered for purposes of deductions from benefits; to the Committee on Finance.

S. 226. A bill for the relief of Dr. G. L. Clifton; to the Committee on the Judiciary.

By Mr. MOSS:

S. 227. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Oneida Division of the Bear River reclamation project, Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. BYRD of West Virginia:

S. 228. A bill to authorize the conveyance to Hancock County, W. Va., of certain Government-owned surplus property; to the Committee on Government Operations.

S. 229. A bill for the relief of Ernest E. Keller;

S. 230. A bill for the relief of Dr. Gerardo Lopez-Yubero, his wife, Maria Luz Fortuny de Lopez, and their two minor children, Gerardo Lopez-Fortuny and Fernando Lopez-Fortuny;

S. 231. A bill for the relief of Dr. Restituto M. Cabaltica; and

S. 232. A bill for the relief of Dr. Constancio D. Katigbak and his wife, Imelda Katigbak; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia (for himself and Mr. RANDOLPH):

S. 233. A bill for the relief of Douglas M. Foley, Henry S. Hammett, and Carroll Elliott; to the Committee on the Judiciary.

By Mr. MANSFIELD:

S. 234. A bill for the relief of Harold and Sylvia Freda Karro and their three minor children, Allan Karro, Jennifer Karro, and Michelle Karro; and

S. 235. A bill for the relief of Evelyn M. DeJesus; to the Committee on the Judiciary.

By Mr. DODD:

S. 236. A bill to extend for 1 year certain provisions of Public Laws 815 and 874, 81st Congress, and to amend such laws with respect to the definition of the term "real property"; 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. PEARSON:

S. 237. A bill for the relief of Eventhia K. Perdaris; to the Committee on the Judiciary.

By Mr. KEFAUVER:

S. 238. A bill for the relief of Alessandro Ricci;

S. 239. A bill for the relief of Claude Flavian Braganza;

S. 240. A bill for the relief of Mr. Demetrious Mallios:

S. 241. A bill for the relief of Basilios Captain;

S. 242. A bill for the relief of James C. Hung, and his wife, Sufenne Hung;

S. 243. A bill for the relief of Dr. Lourdes Casas Ocampo, Mrs. Carmen Ocampo Carrillo and her three minor children, Tomas Antonio Jesus Carrillo, Maria Corinta Asuncion Carrillo, and Marie Cecile Carrillo; and

S. 244. A bill for the relief of Eleni Tseliou; to the Committee on the Judiciary.

By Mr. BEALL:

S. 245. A bill for the relief of John R. Devereux; and

S. 246. A bill for the relief of Mario Simoes Da Fonseca; to the Committee on the Judiciary.

By Mr. BARTLETT (for himself and Mr. GRUENING):

S. 247. A bill to authorize survey and establishment of a townsite for the Juneau Indian village in Alaska; to the Committee on Interior and Insular Affairs.

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

By Mr. RANDOLPH (for himself and Mr. BYRD of West Virginia):

S. 248. A bill to amend the Internal Revenue Code of 1954 so as to allow a deduction for certain amounts paid by a taxpayer for tuition and fees in providing a higher education for himself, his spouse, and his dependents; to the Committee on Finance.

By Mr. SPARKMAN:

S. 249. A bill to direct the Secretary of the Interior to adjudicate a claim to certain land in Marengo County, Ala.; to the Committee on Interior and Insular Affairs.

By Mr. TALMADGE (for himself, Mr. BYRD of Virginia, Mr. ROBERTSON, Mr. JOHNSTON, Mr. HILL, Mr. SPARKMAN, Mr. EASTLAND, Mr. STENNIS, Mr. ELLENDER, and Mr. LONG of Louisiana):

S.J. Res. 16. Joint resolution proposing an amendment to the Constitution of the United States reserving to the States exclusive control over public schools; to the Committee on the Judiciary.

By Mr. McGEE (for himself, Mr. BARTLETT, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. CHURCH, Mr. DODD, Mr. DOUGLAS, Mr. EASTLAND, Mr. ENGLE, Mr. FONG, Mr. GRUENING, Mr. HARTKE, Mr. HILL, Mr. HOLLAND, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. KEFAUVER, Mr. MANSFIELD, Mr. McGOVERN, Mr. METCALF, Mr. NELSON, Mrs. NEUBERGER, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SALTONSTALL, Mrs. SMITH, Mr. SPARKMAN, Mr. SYMINGTON, Mr. TALMADGE, Mr. YARBOROUGH, and Mr. YOUNG of North Dakota):

S.J. Res. 17. Joint resolution to designate the lake to be formed by the waters impounded by the Flaming Gorge Dam, Utah, and the recreation area contiguous to such lake in the States of Wyoming and Utah, as "O'Mahoney Lake and Recreation Area"; to the Committee on Interior and Insular Affairs.

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

RESOLUTIONS

FUNERAL EXPENSES OF THE LATE SENATOR KERR, OF OKLAHOMA

Mr. MONRONEY submitted a resolution (S. Res. 24) to pay certain funeral expenses of the late Senator Kerr, of Oklahoma, which was considered and agreed to.

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

STUDIES OF MATTERS PERTAINING TO FOREIGN POLICIES OF THE UNITED STATES

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original resolution (S. Res. 25) authorizing the Committee on Foreign Relations to examine, investigate, and make studies of matters pertaining to the foreign policies of the United States and their administration, which, under the rule, was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. FULBRIGHT, which appears under the heading "Reports of Committees.")

CONTINUANCE OF STUDY OF ACTIVITIES OF NONDIPLOMATIC REPRESENTATIVES OF FOREIGN PRINCIPALS

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original resolution (S. Res. 26) authorizing the Committee on Foreign Relations to continue its study of the activities of nondiplomatic representatives of foreign principals, which, under the rule, was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. FULBRIGHT, which appears under the heading "Reports of Committees.")

FUNDS FOR THE STUDY OF MATTERS PERTAINING TO INTERAGENCY COORDINATION, ECONOMY, AND EFFICIENCY

Mr. HUMPHREY, from the Committee on Government Operations, reported an original resolution (S. Res. 27) to provide funds for the study of matters pertaining to interagency coordination, economy, and efficiency, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. HUMPHREY, which appears under the heading "Reports of Committees.")

TO PRINT AS A SENATE DOCUMENT A MANUSCRIPT ENTITLED "RATIFICATIONS OF THE CONSTITUTION"

Mr. SALTONSTALL submitted the following resolution (S. Res. 28) to print as a Senate document a manuscript entitled "Ratifications of the Constitution," as edited by Denys P. Myers, which was referred to the Committee on Rules and Administration:

Whereas the United States in Congress assembled on February 21, 1787, resolved that a convention be held "for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the States render the Federal Constitution adequate to the exigencies of the Government and the preservation of the Union"; and

Whereas the Federal Convention transmitted as its report to the United States in Congress assembled the Constitution of September 17, 1787, in the dual form of a signed engrossed copy and a printed text; and

Whereas the United States in Congress assembled on September 28, 1787, resolved that this report "be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State by the people thereof"; and

Whereas Charles Thomson, Secretary of Congress, set up a record book entitled "Ratifications of the Constitution" in which were entered verbatim the successive acts by which the Report of the Federal Convention was ratified by the States in sufficient number to establish it as the Constitution of the United States of America; and

Whereas the relevant portion of that record book was incorporated in the official "Journal of the United States in Congress Assembled" as an appendix to its resolution of September 13, 1788, which provided for the operation of the Government of the United States of America; and

Whereas President George Washington on July 24, 1789, gave Roger Alden, Deputy Secretary, custody of the "books, records, and papers of the late Congress", which the Act of September 15, 1789, directed to be deposited in the Department of State; and

Whereas the said books, records, and papers were transferred under that Act to the Department of State when Roger Alden as their custodian was appointed chief clerk of that Department; and

Whereas the Department of State completed the entry of action by States relating to the Constitution in the record book entitled "Ratifications of the Constitution" through the ratification by the new State of Vermont, dated January 10, 1791, and included therein ratifications to that date of

the amendments comprising the Bill of Rights which were proposed by the resolution of the Congress of September 25, 1789; and

Whereas the Bill of Rights became by ratification a part of the Constitution by December 15, 1791; and

Whereas the manuscript book entitled "Ratifications of the Constitution" is the executive record book by which the Constitution of the United States of America was transmitted from the United States in Congress assembled, which initiated the Constitution, to the Government of the United States of America, which was established thereby; and

Whereas Denys P. Myers, a recognized authority upon the history of the Constitution, has tendered his services, without cost to the Government, for the editing of that record book and the preparation of an appropriate introduction to a proposed printing thereof; Now, therefore, be it

Resolved, That the manuscript book entitled "Ratifications of the Constitution" contained among the records of the Department of State in the National Archives, as edited by Denys P. Myers, together with an appropriate introduction thereto prepared by him, be printed as a Senate document.

AUTHORIZATION FOR COMMITTEE ON COMMERCE TO MAKE A STUDY OF CERTAIN MATTERS UNDER ITS JURISDICTION

Mr. MAGNUSON submitted the following resolution (S. Res. 29), which was referred to the Committee on Commerce:

Resolved, That the Committee on Commerce, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) interstate commerce generally;
(2) foreign commerce generally;
(3) maritime matters;
(4) interoceanic canals;
(5) transportation policy;
(6) domestic surface transportation, including pipelines;
(7) communications, including a complete review of national and international telecommunications and the use of communications satellites;
(8) Federal power matters;
(9) civil aeronautics;
(10) fisheries and wildlife;
(11) marine sciences; and
(12) Weather Bureau operations and planning, including the use of weather satellites.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1963, to January 31, 1964, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,600 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1964.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

GRANT OF LEGISLATIVE AUTHORITY TO SELECT COMMITTEE ON SMALL BUSINESS

Mr. PROUTY (for himself, Mr. SCOTT, Mr. YOUNG of North Dakota, Mr. BOGGS, Mr. MOSS, and Mr. KEATING) submitted the following resolution (S. Res. 30), which was referred to the Committee on Rules and Administration:

Resolved, That S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended, is amended to read as follows:

"That there is hereby created a select committee to be known as the Committee on Small Business, to consist of seventeen Senators to be appointed in the same manner and at the same time as the chairman and members of the standing committees of the Senate at the beginning of each Congress, and to which shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the problems of American small business enterprises.

"It shall be the duty of such committee to study and survey by means of research and investigation all problems of American small business enterprises, and to obtain all facts possible in relation thereto which would not only be of public interest, but which would aid the Congress in enacting remedial legislation.

"Such committee shall from time to time report to the Senate, by bill or otherwise, its recommendations with respect to matters referred to the committee or otherwise within its jurisdiction."

SEC. 2. Subsection (d) of rule XXV of the Standing Rules of the Senate is amended by striking out in paragraph 2, the words "under this rule".

AMENDMENT OF SENATE RULE XXIV

Mr. CLARK submitted a resolution (S. Res. 31) to amend rule XXIV to add a new section 3, relative to conference committees, which was referred to the Committee on Rules and Administration.

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

AMENDMENT OF SECTION 134(c) OF LEGISLATIVE REORGANIZATION ACT OF 1946

Mr. CLARK submitted a resolution (S. Res. 32) to amend section 134(c) of the Legislative Reorganization Act of 1946, which was referred to the Committee on Rules and Administration.

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

AMENDMENT OF SENATE RULE XIX

Mr. CLARK submitted a resolution (S. Res. 33) to amend Senate rule XIX, which was referred to the Committee on Rules and Administration.

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

AMENDMENT OF SENATE RULE XIX

Mr. CLARK submitted a resolution (S. Res. 34) to amend rule XIX relative to printing remarks in the CONGRESSIONAL RECORD, which was referred to the Committee on Rules and Administration.

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

AMENDMENT OF RULE XIX, RELATING TO LIMITATION ON DEBATE

Mr. CLARK submitted a resolution (S. Res. 35) to amend rule XIX, relating to a limitation on debate, which was referred to the Committee on Rules and Administration.

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

AMENDMENT OF RULE XXV, RELATIVE TO JURISDICTION OF CERTAIN STANDING COMMITTEES

Mr. CLARK submitted a resolution (S. Res. 36) to amend rule XXV relative to jurisdiction of certain standing committees, which was referred to the Committee on Rules and Administration.

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

AMENDMENT OF RULE XXIV, RELATIVE TO QUALIFICATIONS OF CHAIRMEN OF COMMITTEES

Mr. CLARK submitted a resolution (S. Res. 37) to amend rule XXIV relative to qualifications of chairmen of committees, which was referred to the Committee on Rules and Administration.

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

AMENDMENT OF RULE XXIV RELATIVE TO ELECTING MEMBERS OF STANDING COMMITTEES AND THE CHAIRMEN THEREOF

Mr. CLARK submitted a resolution (S. Res. 38) to amend rule XXIV relative to electing members of standing committees and the chairmen thereof, which was referred to the Committee on Rules and Administration.

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

AMENDMENT OF SECTION 134 OF LEGISLATIVE REORGANIZATION ACT OF 1946

Mr. CLARK submitted a resolution (S. Res. 39) to amend section 134 of the Legislative Reorganization Act of 1946, which was referred to the Committee on Rules and Administration.

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

AMENDMENT OF SUBSECTION 1 OF RULE III, STANDING RULES OF THE SENATE

Mr. CLARK submitted a resolution (S. Res. 40) to amend subsection 1 of rule III, Standing Rules of the Senate, which was referred to the Committee on Rules and Administration.

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

AMENDMENT OF SENATE RULE VII

Mr. CLARK submitted a resolution (S. Res. 41) to amend rule VII, relating to morning business, which was referred to the Committee on Rules and Administration.

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

EXPRESSION OF SENSE OF THE SENATE ON STANDING COMMITTEES REPORTING BY JULY 4 OF ANY YEAR ON EACH LEGISLATIVE PROPOSAL

Mr. CLARK submitted the following resolution (S. Res. 42), which was referred to the Committee on Rules and Administration:

Resolved, That it is the sense of the Senate that each standing committee of the Senate shall consider any legislative proposal of the executive branch of the Government referred to it within a reasonable time prior to July 4 of any year and report its recommendations for or against enactment to the Senate, so that the Senate as a whole will have an opportunity to consider the proposal and the recommendations of the committee prior to the adjournment of the session at which the recommendation was made.

EDUCATIONAL OPPORTUNITIES ACT OF 1963

Mr. GOLDWATER. Mr. President, on behalf of myself, the Senator from North Dakota [Mr. YOUNG], the Senator from Colorado [Mr. ALLOTT], and the Senator from Kentucky [Mr. MORTON], I introduce and send to the desk, for reference to the appropriate committee, a bill entitled "Educational Opportunities Act of 1963."

Mr. President, early in the first session of the 87th Congress, I introduced a bill, S. 991, entitled "Educational Opportunities Act of 1961," which, if enacted, would have solved all the educational problems, both real and imaginary, facing our country today, and would, at the same time, have made irrelevant and unnecessary all the alternative plans for Federal aid to education which have received serious consideration by the Senate.

Today, Mr. President, I am reintroducing this proposal in the same form in which it was introduced 2 years ago; and I ask unanimous consent that the bill lie at the desk for 10 days, in order that other Senators may have an opportunity to join in sponsoring this legislation.

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

Mr. GOLDWATER. Mr. President, briefly, my bill consists of three provisions: First, the establishment of a national merit scholarship program designed to aid and improve pre-college education; second, tax relief for families with children attending college; and, third, tax credit for homeowners for the portion of their real property taxes which is used for the maintenance, operation, and construction of public elementary and secondary schools.

During the preceding Congress, the Senate Labor and Public Welfare Committee held many days of hearings and received voluminous testimony on the administration's major education proposals, as well as other proposals introduced by various Senators.

The administration's legislative program in the field of education consisted of three major recommendations: First, S. 1021, a 3-year program of Federal grants to the States for the construction of public elementary and secondary school classrooms and increasing teachers' salaries; second, S. 2345, extending and amending the National Defense Education Act of 1958; and, third, S. 1241, providing low-interest loans to colleges and universities, for the construction of academic facilities and for scholarships to college students.

S. 1021 passed the Senate on May 25, 1961, after extended debate on the Senate floor, in substantially the form in which it was introduced; and it thereupon went to the House, where it remained in the House Rules Committee, after failing to receive a favorable vote to be sent to the House floor for debate. Later in the first session, on July 31, 1961, the Labor and Public Welfare Committee favorably reported S. 2345 to the Senate; and while it remained on the Senate Calendar until the adjournment of the 87th Congress over 14 months later, the Democratic leadership did not see fit to call it up for consideration by the Senate. The House Education and Labor Committee approved a similar bill extending and amending the National Defense Education Act; but, like the bill granting Federal funds to the public schools, it, too, failed to receive a rule by the House Rules Committee.

The last of the administration's proposals in this field—namely the higher education bill, S. 1241—was favorably reported to the Senate on September 15, 1961, and was passed by the Senate on February 6, 1962. The House passed its own version of a higher education bill, H.R. 8900, thus necessitating a conference. After sporadic meetings of the conferees, a compromise between the two bills was reached, but subsequently was rejected by the House membership; and thus it died in conference with the adjournment of the 87th Congress.

During the 2-year interval that has elapsed since the introduction of my education proposal, we have witnessed numerous desperate attempts on the part of the present administration and the majority leadership of the Congress to enact some form of Federal assistance to education, but without success. No doubt, part of the explanation for these failures resides in the church-state issue and the religious controversy stirred up by proposals authorizing Federal assistance to private and parochial schools, and part lies in the fact that many Members of Congress are genuinely hostile to the concept of Federal intervention into the purely local affairs of the public schools.

However, I am convinced that the principal roadblock to the establishment of Federal encroachments upon our local educational processes has been thrown up by the citizens of our country, primarily the parents and the taxpayers who, since World War II have, year after year, taxed themselves in ever-increasing amounts to maintain the finest system of public education in the world. Because of the sacrifices shouldered by the American people, they are fully cognizant that the continuing bleat of the Federal intruders—that only a massive infusion of money from Washington can supply our schoolchildren with the teachers, books, and buildings necessary to offer them the best education possible—is nothing more than a sham and a fiction.

Our people are aware that what they are told can now only be done by Federal aid, they have been doing each and every year since 1946, so that in 1963 the problems of adequate classrooms and better teacher salaries have all but disappeared, not as a result of running hat-in-hand to the Federal Government in Washington but by the application of hard work, perseverance, and initiative in the pioneer spirit by the citizens at the State, local, and community level. The apathy with which the administration's educational program has been received is in direct contrast to the energetic and resourceful activity on the part of the American people to meet the challenge of better education for their children.

Since introducing my educational opportunities proposal 2 years ago, it has received support from many quarters in and out of the education field, some quite unexpectedly. Appearing on the "Meet the Press" television program early last summer, the then Secretary of Health, Education, and Welfare, Abraham A. Ribicoff, advocated a tax credit to parents with children attending private schools. The Secretary based his support for such a proposal on the grounds that parents whose children attend private and parochial schools are making a great contribution to all education, both public and private, and as an element of justice they should be entitled to a tax credit. When asked by one of the panelists whether this type of tax credit was the same as the one I had advocated, Secretary Ribicoff answered:

I don't know whether Senator GOLDWATER advocated it or not, but I would say we should explore the tax credit deduction feature in order to take care of this great problem because what we must be interested in

in America is a good education of every child, whether that child goes to a public school or that child goes to a private school. (Vol. 6, No. 21, June 17, 1962, "Meet the Press.")

The Secretary had apparently forgotten that when he appeared before the Senate Labor and Public Welfare Committee to testify on Federal aid to education, he not only commented on my tax credit idea but rejected it. He said:

To give credit toward Federal taxes the way you suggest would, I believe, deprive the National Treasury of substantial sums that are needed for the national interest frankly in States that aren't as well situated as Arizona or Connecticut or New York. I understand the point you make. (Hearings before the Subcommittee on Education, Committee on Labor and Public Welfare, U.S. Senate, p. 157.)

I welcome Senator RIBICOFF's support for the tax credit theory as a remedy for overcoming the educational ills of any State or local school board. In addition to eliminating entirely the church-state imbroglio, it assures the States financial resources necessary to surmount the shortcomings in the public school system wherever they may exist.

In addition to the alleged plight of the public elementary and secondary schools, we have recently been subjected to a barrage of propaganda concerning the lack of academic facilities in our colleges, universities, and other institutions of higher learning which would prevent many thousands of our young men and women from pursuing a college education. When the Senate Labor and Public Welfare Committee reported a higher education bill, I predicted, in my minority views filed with the report on the bill, that the present rapidly expanding rate of construction of academic facilities carried on by the States and private colleges might well result in excess educational plants, some of which would remain unused. I pointed out, further, that today there are many small colleges which never have reached the point of fully utilizing their existing enrollment capacity, and which year after year find themselves with a student body often considerably below the level which they can efficiently and comfortably accommodate. If a problem of inadequate college academic facilities does exist, then it is a problem of maldistribution of students among the Nation's colleges, rather than any absolute shortage.

The November 4, 1962, issue of This Week magazine contains an article, entitled "The College Shortage is a Myth," which bears out the prediction I made a year and one-half ago. Responding to the warning that the impending tidal wave of students would create an enrollment crisis threatening our college and universities, the author, Gene R. Hawes, conducted a survey of more than 2,000 colleges, to determine their expansion plans for accommodating the anticipated increase in college enrollment. This survey revealed that the Nation's colleges should have an enrollment capacity of as many as 5.4 million by 1965, and 7.1 million by 1970, as compared to the expected student enrollment of 5.2 million by 1965, and 6.8 million by 1970. Thus, it is clear that the evidence is at hand to combat the charge that the Nation's colleges and universities are so destitute of funds for constructing additional academic facilities that only the Federal Government can rectify their plight. As is true in the case of public elementary and secondary education, the States, local communities, and the private colleges have gone about preparing to meet the challenge of increased student enrollment without humbly entreating the Federal Government for alms.

One aspect of higher education which does require the attention of the Congress is the cost of a college education and the burden it places upon the parents and the family in financing the higher education of their children. Thus, another feature of my proposal would alleviate this burden by granting an additional substantial Federal tax deduction, up to $2,000, for each dependent attending an institution of higher education.

The bill which I am introducing today and the statement accompanying it set forth a program dealing with the proper role of the Federal Government with respect to education at all levels—elementary school, high school, and college, university and other institutions of higher learning.

This is a role which must be directed toward helping our people to help themselves, without the direct intervention of the Federal Government. It must recognize first and foremost the danger of centralized control over the vitally important area of life encompassed by the education of our children. Then, it must take account of the actual need which exists for expanding and augmenting the facilities which we now have for meeting the Nation's educational needs. Finally, it should use the power of the Federal Government to place at the disposal of the people and the States and local governments the means to handle the needs that may exist or arise.

The problem is one of letting the people decide, in their own communities, where that decision can best be made, just what are their educational needs. After that, it is one of equipping them to handle their needs locally, through their own school boards, and without the direction of Washington bureaucracy.

The major domestic problem facing the Nation is the threat of inflation, with its disastrous impact on private savings, insurance, pension funds, and social security. This threat has enormous ramifications when applied to our educational problems.

This is true because an increasingly larger share of these funds is being accumulated by parents, for the purpose of providing for the higher education of their children, the costs of which are outstripping the ability of many people to keep pace.

I. FINANCING COLLEGE EDUCATION

As the costs of college education continue to rise, it becomes imperative to provide relief to the taxpaying parents of college students, and to do so, not in the form of Federal handouts, but by narrowing the far-reaching scope of the Federal taxing power.

Providing an education for their children is traditionally the responsibility of the American family, not of the government. The vast accumulations of private savings and insurance bear witness that most of our people still believe in this principle. Hence, a Federal program to aid our children to secure a college education should be directed toward helping their parents to do the job. It should avoid the form of Federal grants, with their accompanying expansion of Federal bureaucracy and Federal supervision, which not only wastes funds, through unproductive administrative costs, but, also creates a risk of Federal controls over public education.

Therefore, I propose a program of tax relief for most families with children at college. Such families will be given a substantial additional Federal income tax reduction for each dependent attending college.

II. THE DECAY OF AMERICAN PRECOLLEGE EDUCATION

I believe—and this opinion is shared by many—that what is primarily wrong with American precollege education is not lack of money, but is lack of quality. The deterioration in the standards of the American elementary and secondary school has been recognized not only by leading scholars in and out of the academic community, but, finally, by the vast majority of the long-suffering American people, as well. It seems obvious that huge sums of additional money should not be spent in perpetuating and aggravating our educational shortcomings. Any program which makes additional funds available for use by our elementary and secondary school systems should be accompanied simultaneously by a program designed to induce improvements in the quality of education.

Speaking before the American Society of Civil Engineers, in February 1958, Dean Martin Mason, of the George Washington University School of Engineering, stated bluntly:

Our schools are not fulfilling what should be their main function—basic education and the stimulation of minds. Pupils spend half their time learning social graces, automobile driving, and in building their bodies.

Mortimer Smith, director of the Council for Basic Education, in his book "A Citizen's Manual for Public Schools," writes:

To sum up, this should be the bare minimum expected of a normal child finishing the elementary school: he should be able to read and write with some fluency, and spell, add, subtract, multiply, and divide with accuracy; he should know the basic geographic facts of his country and the world; have a knowledge of elementary science; know something of the culture and history of other peoples and much of his own. And above all, his schooling should have taught him the difference between aimless mental activity and orderly thought.

There is a strange quirk in modern educational thinking which produces pessimism about the school's ability to teach such tangibles as geography, spelling, and reading, but optimism about the ability of the school to teach such intangibles as good citizenship and wise use of leisure time and to produce tolerant, well-rounded personalities.

Therefore, as a step in my program to aid and improve precollege education in the United States, I propose a measure to help achieve these goals which will invoke the most limited participation by the Federal Government, but will be wholly voluntary in character, completely free from any compulsion, either through law or otherwise, and will be based entirely on the principles of emulation and inspiration.

The proposed measure will establish a national merit scholarship program to make it possible for the most promising students to obtain college and undergraduate university educations, but primarily designed to establish a set of voluntary secondary school scholastic standards which can serve as a guide and a beacon both for the high schools of the Nation and for the parents of America.

These national scholarships will require only a tiny expenditure of Federal funds. They will be severely limited in number, but generous in amount, so as to be attractive to students and parents, alike. They will be administered by a board appointed by the President, and consisting of scholars and authorities in the humanities, literature, foreign languages, science, mathematics, history, philosophy, sociology, economics, and so forth.

This board will implement the basic scholastic requirements for eligibility to compete for these scholarships, as set forth in the law itself. These requirements, as a minimum, will include the study in high school of English, foreign languages, science, mathematics and history—emphasizing American history. The examinations conducted by the board will require the student to achieve an absolute passing mark. If more students pass than the number of scholarships available, only that number, in order of performance, will receive the scholarship awards. If fewer than this number manage to get the passing grade, then only they will be selected, and the rest of the scholarships will remain unused. The examinations will be conducted on a nationwide basis, with no geographic restrictions or limitations on the number of students from any State or community who participate or who secure the scholarships. If all of them went to the students of a single State, community, or even school, unlikely as that would be, then the rest of the Nation's school systems would do well to reexamine their own educational establishments.

Several beneficial effects are to be hoped for from this proposal. First, it will encourage a healthy spirit of academic rivalry among the secondary schools of the Nation, similar to that which now exists in athletics and debating. Second, it will spur scholastic competition among individual students. And last, but most important, it will expose the weaknesses in some of our secondary schools, while at the same time revealing the strength in others.

The American public will assess the results of these examinations. A school which consistently fails to qualify its students for participation in the examination, or whose students consistently fail to secure any of the scholarships, will come under intensive critical scrutiny. The parents and the community will want to know why their children are not eligible to compete; they will ask why their school lags behind, while the school in the neighboring county or adjoining State can boast of producing national scholars. Where such seriously inadequate educational standards exist, we are confident that the American people, with their customary diligence, will ferret out the evils which have brought about the deterioration, and will provide the necessary corrective.

III. FINANCING PRECOLLEGE EDUCATION

The third step in the proposed program to aid and improve education in the United States is a measure which, if adopted, makes irrelevant and unnecessary all the alternative plans for Federal aid to education which are currently under serious consideration.

Since the end of World War II, we have witnessed the greatest school-building program ever conducted in this country. In the past 10 years alone, over 500,000 classrooms have been built; and, based on the sale of school bonds for the past several years, there is every reason to believe that this high rate of classroom construction will continue.

In spite of the excellent job which the States and local communities have done during the past 17 years to overcome the backlog of school facilities needed in some areas—a backlog brought on by the depression, World War II, and Korea—the proponents of direct Federal aid to education are nevertheless absolutely insistent that the only way to reduce the backlog is by way of a massive infusion of Federal grants into the States. In recent years, the same proponents have added to their propaganda the claim that teachers are not paid enough by the local school districts, and that, therefore, it is the responsibility of the Federal Government to correct that situation, as well.

It is interesting and significant that the demands for Federal aid to education have grown louder and more insistent as the need for expanding our school facilities diminishes. It is fully apparent that many of those promoting the idea of Federal aid to education are interested only in the element of centralized control, and, consequently, refuse to recognize that the States and local communities have been rapidly solving the backlog problem. They have seen their "crisis" selling point melt away in the face of determined local responsibility, and are attempting to cover it up by adding new items to their list of needs and more power to their propaganda efforts. The present offensive for Federal aid to, and control of, the Nation's education is the heaviest ever mounted; and it must be met with a courageously sound proposal incorporating the principles of individual freedom and personal responsibility.

I am fully aware that a growing student enrollment has made it difficult for some localities completely to overcome classroom shortages, despite the expenditure of considerable amounts of money and effort. I am also conscious of the fact that teachers' salaries have lagged behind those of other professions and vocations, causing some qualified instructors to resign from teaching and to enter more highly paid occupations, and making it difficult to attract qualified replacements.

However, recently published school statistics dealing with pupil population, enrollment, teachers, and public school expenditures are most revealing. Between 1950 and 1960, public school enrollment increased by 44.4 percent; during the same period, the number of teachers in elementary and secondary schools increased by 51.9 percent, thus reducing the pupil-teacher ratio to 26.4 to 1, as compared to 27.8 to 1 in 1950. But while pupil enrollment and the number of teachers are increasing in these ratios, total expenditures for public elementary and secondary schools rose by more than 150 percent.

From these figures it is quite obvious that the States and local communities have been making enormous and effective efforts to meet their school needs. Wherever the problem of the need for additional classrooms has not been solved, it has not been due to any reluctance on the part of the local community or the State to find and expend the necessary funds.

In view of the willingness of the State and local communities to keep pace with growing educational needs, I reject the wasteful and undemocratic measures to appropriate for school aid, billions of Federal dollars extracted from the States, only to be partially funneled back to them again, with strict limitations on the use to which the funds may be put.

I believe that the alleged evil plight of our schools has been grossly exaggerated, and that the magnificent efforts of our State and local governments to find the money with which to meet school needs have been largely and purposely ignored.

These efforts represented the quiet response of millions of "Forgotten Americans" to the educational problems arising in their communities. The job was done without fanfare by the people who meet their responsibilities on a day-to-day basis without the benefit of prodding by nationwide pressure group organizations. It represents a monument to the efforts of a free people, working with initiative and enterprise in their own communities, to meet the problems of those communities as they arose. This is where the big job of meeting the Nation's educational problems has been accomplished up until now; and this is where the job, rightfully, should be finished.

My proposal will provide the means for solving additional school problems, if they really exist; but it will leave the determination of this highly debatable question where it properly belongs—with the State and local communities, not with the Federal Government. The basic problem, if there is one, is financial. If State and local governments in some parts of the country are unable to keep pace with their school needs, it is because the Federal taxing power has preempted State and local sources of revenue. Hence, the proper approach is to

compel the Federal Government to restore to the States and localities at least a portion of the tax resources which it has taken away. This is precisely what my measure will do.

The proposal is a simple one. Every homeowner, every owner of real estate in the United States, pays a real property tax to his local community government. In some cases, a substantial part of this tax is used to meet the primary and secondary school needs of the community, whether for new construction or for maintenance, teachers' salaries, or other past or current school costs. It provides that every taxpayer who pays a school tax on his real property, or as part of his real estate tax, shall, after having calculated the amount of Federal income tax which he must pay Uncle Sam, be permitted to subtract from the Federal income tax which he owes, the full amount of such school property tax, or such proportion of it as will result in a total additional tax benefit of between $3 and $4 billion to these taxpayers.

Under existing Federal income tax law, State and local school taxes are deductible from gross income, but the amount actually saved by the taxpayer depends on his Federal income tax bracket. Thus, for example, a taxpayer who has paid $200 in school taxes as part of the local real property tax on his home, and is in the 20-percent Federal income tax bracket, realizes a saving of $40. My proposal would retain this present practice, but, in addition, would permit him to take a $100 credit against what he owes Uncle Sam; that is, against his net Federal income tax. Hence, instead of a saving of $40, under our proposal the homeowner would save $140 of the $200 he paid in school taxes on his home. Of course, if the taxpayer's school tax were less than $100, he would be permitted to save in toto no more than the actual amount of his school tax.

This tax credit would be available to real property-school taxpayers, whether they itemize their Federal income tax returns or take the standard deduction.

The concrete advantages of this approach are overwhelming, as will be shown by the following:

First. The tax benefits provided would go directly to approximately 40 million taxpayers, including about 34 million homeowners, who with their families constitute almost 90 percent of our population, and who, in large part, are the forgotten Americans for whom only the Republican Party speaks today.

Second. With the Federal Government completely excluded from the program, there would be no danger of Federal control over education. Depending on State law, each community itself, or the State, would be the final judge of how much more it would like to spend on its educational needs than it is currently spending.

Third. The funds made available to the taxpayers are greater than the sums contemplated under any of the other Federal aid-to-education measures which are seriously being considered.

Fourth. Because of the complete exclusion of the Federal Government, there would be no expanded bureaucracy, no Federal administrative costs; and every dollar of tax money thus made available would purchase a full dollar's worth of school aid, if the community decided to expand its expenditures for education.

Fifth. Inasmuch as the tax resources of every State and locality would be substantially increased under this proposal, each would have ample funds with which to provide for its own school needs as it chooses, for none know better what these needs are than the citizens of the States and localities themselves.

Sixth. The so-called richer States would not be required to help finance the school needs of the allegedly poorer States, for under our proposal every State would have sufficient funds with which to meet its school needs out of its own resources. Rich State A would not be required to pay to the Federal Government in taxes twice or three times as much as it gets back in Federal school aid while poor State B was receiving back in Federal aid two or three times the amount of tax money it paid to the Federal Government, as its share of financing the Federal school aid program.

Seventh. Under any of the other proposed Federal school-aid measures, States which have fully met their school needs and which would not, if given a free choice, expand their school facilities during the next few years, would nevertheless be compelled to pay their share in Federal taxes to finance the program. The only way these States could recover any of the money thus extracted from them under these various proposals would be to accept the Federal grants and use them to expand their school facilities. The result would be the highly uneconomic and wasteful extension of school facilities in many areas where such extension is unnecessary and where other more urgent needs exist, but must perforce remain unsatisfied. Under my proposal, the use made of their tax money is not dictated to the taxpayer by the bureaucrats in Washington; it is determined by the taxpayers themselves—that is, by the parent, the citizen, the local school board, and the community.

Eighth. Any objection to my proposal, based on the assertion that it would bite into the Federal Treasury, is equally applicable to any of the other measures presently under consideration. I believe that mine would lead to a good look at the Federal budget and the discovery of many items of less importance, or even of no importance, which could readily be eliminated with no ill effects for the public welfare.

Ninth. If unemployment does not decrease and if business continues to falter because of the lack of confidence engendered by the spendthrift programs of the Democratic Party, my proposal will provide the necessary tax relief which some of the proponents of expanded Federal aid programs assert to be necessary in order to stimulate the economy.

Tenth. The preemption of State and local tax resources by the Federal Government would be diminished, and thus an important step would be taken in contracting big central government and in strengthening State and local government.

Mr. President, I ask unanimous consent that the bill, Educational Opportunities Act of 1963, and an analysis of the bill be printed in the body of the RECORD immediately following my statement.

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

The bill (S. 181) to promote education in the United States, introduced by Mr. GOLDWATER (for himself and other Senators), 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,

SHORT TITLE

SECTION 1. This Act may be cited as the "Educational Opportunities Act of 1963".

TITLE I—ESTABLISHMENT OF NATIONAL SCHOLARSHIP BOARD

SEC. 101(a) There is hereby established an independent body to be known as the National Scholarship Board (hereinafter referred to as the "Board"). Such Board shall consist of thirteen members to be appointed by the President, by and with the advice and consent of the Senate, as follows:

(1) Five members who are recognized scholars in any of the following fields: Engineering, mathematics, or science.

(2) Five members who are recognized scholars in the field of humanities.

(3) Three members from such fields of endeavor as the President deems appropriate. It shall be the duty of the Board to carry out the scholarship programs provided for in this title. Any vacancy on the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(b) Members of the Board shall receive compensation at the rate of $50 for each day engaged in carrying out this title, and shall be entitled to received an allowance for actual and necessary travel and subsistence expenses while serving away from their places of residence.

Rules and regulations

SEC. 102. The Board shall make such rules and regulations as it deems necessary to carry out the provisions of this title. All actions of the Board shall be by majority vote of the members thereof.

Award of scholarships

SEC. 103. (a) The Board shall establish principles and policies to be followed in the selection of individuals to be awarded scholarships. Such principles and policies shall provide for the selection of individuals to be awarded scholarships by objective examinations designed to measure achievement, such as the cooperative achievement test of the Educational Testing Service, Princeton, New Jersey. The Board shall establish a minimum attainment grade for such examinations and notwithstanding the number of scholarships authorized in this title for any year, a scholarship shall not be awarded under this title to any individual unless he equals or exceeds such minimum grade. As part of such examination, the Board shall require each individual competing for a scholarship under this title to submit an original theme or composition written in English, as well as a written translation, of such material as the Board may

prescribe, from English into a foreign language and from a foreign language into English. Scholarships awarded by the Board shall be known as "National Scholarships".

(b) To be eligible to compete for a national scholarship, an individual (1) must be in his last academic year of secondary school or must hold a certificate of graduation from a school providing secondary education, (2) must have completed (or be in his last academic year toward completion) four academic years of study in English, three academic years of study in mathematics, three academic years of study in history, three academic years of study in foreign language, and three academic years of study in science or in Greek or Latin (if such Greek or Latin study is not used for the foreign language requirement above); (3) must have attained, or be reasonably assured of attaining, secondary school grades which average in the upper 15 per centum of the group with which he is completing secondary school; and (4) must make application for such scholarship in accordance with such rules and regulations as the Board may prescribe.

(c) Examinations for determining national scholarship winners shall be scheduled by the Board so as to permit the announcement of winners not later than the first week of March in each year that such scholarships are awarded.

(d) There are authorized to be awarded one thousand national scholarships for education beginning in the academic year which begins in the calendar year 1964, and for each academic year thereafter.

(e) Each recipient of a national scholarship shall receive a certificate signed by the members of the Board designating the recipient as a "National Scholar".

Institution of higher learning to be attended

SEC. 104. An individual awarded a national scholarship may attend any institution of higher learning which will admit him if such institution (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, and (4) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

Amount and duration of scholarships

SEC. 105. (a) The scholarship allowance to be paid each academic year to an individual awarded a national scholarship shall be determined for each academic year by the Board on the basis of the estimated expenses which will be incurred for such year in attending the educational institution in which he is enrolled. In no event shall such allowance for any such year exceed $3,000. The scholarship allowance shall be paid in such manner and at such times as the Board may prescribe.

(b) The scholarship allowance herein provided for shall be granted for a period of time not to exceed four academic years, or such longer period as is normally required to complete the undergraduate curriculum which the recipient is pursuing; but in no event shall such allowance be paid beyond the completion by the recipient of the work for his first bachelor's degree. Notwithstanding the foregoing provisions, the scholarship allowance shall be paid only so long as the recipient (1) devotes substantially full time during the academic school year to educational work at the educational institution which he is attending, and (2) maintains the standards and requirements prescribed by the institution he is attending and those prescribed by the Board. If the recipient fails to maintain such standards and requirements, his national scholarship shall be terminated and he shall be dropped from the program.

Appropriations

SEC. 106. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this title.

TITLE II—AMENDMENTS TO INTERNAL REVENUE CODE OF 1954

Credit against income tax for real property taxes paid for support of public elementary and secondary education

SEC. 201. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 39 as section 40, and by inserting after section 38 the following new section:

"SEC. 39. REAL PROPERTY TAXES PAID FOR SUPPORT OF PUBLIC EDUCATION.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the taxes on real property paid or accrued during the taxable year which are imposed for the support of public elementary and secondary education, but only to the extent that such taxes do not exceed the lesser of—

"(1) $100, or

"(2) the amount of the tax imposed by this chapter for the taxable year, reduced by the credits allowable under section 32 (relating to tax withheld at source on nonresident aliens and foreign corporations and on tax-free covenant bonds), section 33 (relating to foreign tax credit), section 34 (relating to credit for dividends received by individuals), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

"(b) INCOME TAX BENEFITS NOT TO EXCEED AMOUNT OF REAL PROPERTY TAXES PAID FOR SUPPORT OF PUBLIC EDUCATION.—If the amount allowable (but for this subsection) as a credit under subsection (a) for any taxable year, when added to the amount by which the tax under this chapter for the taxable year is less by reason of the deduction allowed under section 164 for real property taxes for which credit is otherwise allowable under subsection (a), exceeds the total amount of real property taxes paid or accrued during the taxable year which are imposed for the support of public elementary and secondary education, the amount allowable as a credit under subsection (a) shall be reduced by an amount equal to such excess.

"(c) DETERMINATION OF AMOUNT OF REAL PROPERTY TAX PAID FOR SUPPORT OF PUBLIC EDUCATION.—For purposes of subsection (a), the amount of any tax on real property which is imposed for the support of public elementary and secondary education shall be—

"(1) with respect to any real property tax imposed solely for such support, the amount of such tax; and

"(2) with respect to any real property tax imposed in part for such support, the portion of such tax—

"(A) designated in the bill for such tax submitted to the taxpayer by the taxing jurisdiction imposing such tax; or

"(B) determined from information set forth in such bill or from information furnished to the taxpayer by such taxing jurisdiction, as the amount of such tax which is imposed for the support of public elementary and secondary education.

"(d) SPECIAL RULES.—

"(1) TAXES MUST BE DEDUCTIBLE.—No credit shall be allowed under subsection (a) with respect to any real property tax unless such tax is allowable as a deduction for the taxable year under section 164.

"(2) TAXES CONSTRUCTIVELY PAID.—Under regulations prescribed by the Secretary or his delegate, the provisions of subsections (d), (e), and (f) of section 164 shall apply to real property taxes with respect to which credit is allowable under subsection (a)."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 39. Real property taxes paid for support of public education.

"Sec. 40. Overpayments of tax."

Deduction for expenses incurred in providing higher education

SEC. 202. (a) Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by renumbering section 217 as section 218, and by inserting after section 216 the following new section:

"SEC. 217. EXPENSES FOR HIGHER EDUCATION.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction the expenses for higher education paid by the taxpayer during the taxable year which are incurred by him, by his spouse, or by a dependent (as defined in section 152 (a)).

"(b) DEFINITIONS.—For purposes of this section—

"(1) EXPENSES FOR HIGHER EDUCATION.—The term 'expenses for higher education' means amounts paid for—

"(A) tuition and fees required by an institution of higher education for attendance at such institution;

"(B) fees required by an institution of higher education for a course of instruction at such institution;

"(C) books, supplies, and equipment certified by an institution of higher education as necessary for a course of instruction at such institution; and

"(D) meals and lodging while attending an institution of higher education, but only if the individual for whom such amounts are paid is, at the time such expenses for meals and lodging are incurred, a full-time student at such institution or is enrolled in courses having at least one-half of the number of hours required to qualify as a full-time student.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an educational institution (as defined in section 151(e)(4))—

"(A) which is accredited by a recognized national or regional accrediting agency, and

"(B)(i) which is authorized to confer any baccalaureate or higher degree, or (ii) whose curriculum consists of courses at least two-thirds of which are courses of instruction within the meaning of this section.

"(3) COURSE OF INSTRUCTION.—The term 'course of instruction' means a course of instruction for the successful completion of which credit is allowed toward a baccalaureate or higher degree by an institution of higher education authorized to confer such degree, or which is required for graduation by the institution of higher education offering such course.

"(c) LIMITATIONS.—

"(1) EXPENSES OF EACH INDIVIDUAL.—Deduction shall be allowed under subsection (a) for the expenses for higher education of any one individual paid during the taxable year only to the extent that such expenses do not exceed $2,000.

"(2) SPOUSE.—Deduction shall be allowed under subsection (a) for the expenses for higher education of the spouse of the taxpayer paid during the taxable year only if—

"(A) the taxpayer is entitled to an exemption for his spouse under section 151(b) for the taxable year, or

"(B) the taxpayer files a joint return with his spouse under section 6013 for the taxable year.

"(3) MEALS AND LODGING.—

"(A) FULL-TIME STUDENTS.—Deduction shall be allowed under subsection (a) for the expenses for higher education described in subsection (b)(1)(D) paid during the taxable year which are incurred by any individual who at the time such expenses are incurred is a full-time student only to the extent that such expenses do not exceed—

"(i) in the case of such expenses incurred while the individual is attending an educational institution away from home, $90, multiplied by the number of months during the taxable year in which the individual attends an educational institution away from home, or, if greater, by the number of months for which payment is made during the taxable year for meals and lodging for the individual while he is attending an educational institution away from home; or

"(ii) in the case of such expenses incurred while the individual is attending an educational institution not away from home, $45, multiplied by the number of months during the taxable year in which the individual attends an institution of higher education not away from home, or, if greater, by the number of months for which payment is made during the taxable year for meals and lodging for the individual while he is attending an educational institution not away from home.

"(B) LESS THAN FULL-TIME STUDENTS.—Deduction shall be allowed under subsection (a) for the expenses of higher education described in subsection (b)(1)(D) paid during the taxable year which are incurred by any individual who at the time such expenses are incurred is not a full-time student but who is enrolled in courses having at least one-half of the number of hours required to qualify as a full-time student only to the extent that such expenses do not exceed an amount determined under subparagraph (A)(i) or (ii), whichever is applicable, except that, for purposes of this subparagraph, there shall be substituted for $90 in subparagraph (A)(i), and for $45 in subparagraph (A)(ii), an amount which bears the same ratio to $90 or $45, as the case may be, as the number of hours in which such individual is enrolled bears to the number of hours required to qualify as a full-time student.

"(C) SPECIAL RULES.—For purposes of subparagraphs (A) and (B), a month during which an individual attends an institution of higher education for less than 10 days shall be disregarded; and an individual who is attending an institution of higher education not away from home, but who is required by such institution to accept meals and lodging furnished by such institution, shall be treated as if he is attending an institution of higher education away from home. For purposes of this section, the amounts paid for meals and lodging of an individual while he is attending an institution of higher education not away from home shall, in the case of meals and lodging furnished to such individual by the taxpayer, be determined under regulations prescribed by the Secretary or his delegate.

"(4) OTHER PERSONAL AND LIVING EXPENSES.—Except as provided in paragraph (3), deduction shall not be allowed under subsection (a) for any amount paid, directly or indirectly, for any personal or living expenses. In the event an amount paid as tuition or fees includes an amount for any personal or living expense (including meals or lodging) which is not separately stated, the portion of such amount paid which is attributable to such personal or living expense shall be determined under regulations prescribed by the Secretary or his delegate.

"(5) TAXPAYERS HAVING SUBSTANTIAL TAXABLE INCOME.—The amount which (but for this paragraph) would be allowable as a deduction under subsection (a) shall be reduced by the amount by which the taxable income of the taxpayer (computed without regard to this section) exceeds—

"(A) $10,000, if the taxpayer is unmarried and is not a head of a household (as defined in section 1(b)(a) for the taxable year, or is married and files a separate return for the taxable year, or

"(B) $20,000, if the taxpayer is married and files a joint return with his spouse for the taxable year, or is a head of a household or surviving spouse for the taxable year.

"(d) REDUCTION FOR CERTAIN SCHOLARSHIPS, FELLOWSHIPS, AND VETERANS' BENEFITS.—The expenses for higher education paid by the taxpayer with respect to any individual which (but for this subsection) would be taken into account under subsection (a) shall, under regulations prescribed by the Secretary or his delegate, be reduced by any amounts received by or for such individual during the taxable year as—

"(1) a scholarship or fellowship grant (within the meaning of section 117(a)(1) which, under section 117, is not includable in gross income, or

"(2) education and training allowance under chapter 33 of title 38 of the United States Code or educational assistance allowance under chapter 35 of such title.

"(e) EXCEPTION.—Subsection (a) shall not apply to any amount paid which is allowable as a deduction under section 162 (relating to trade or business expenses)."

(b) The table of sections for such part VII is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 217. Expenses for higher education.
"Sec. 218. Cross references."

Effective date

SEC. 203. The amendments made by sections 201 and 202 shall apply to taxable years beginning after December 31, 1962.

The analysis presented by Mr. GOLDWATER is as follows:

ANALYSIS OF THE BILL, ENTITLED "EDUCATIONAL OPPORTUNITIES ACT OF 1963," TO BE INTRODUCED BY SENATOR BARRY GOLDWATER

1. A PROGRAM PROVIDING FOR THE AWARD OF NATIONAL MERIT SCHOLARSHIPS

A. Establishes a National Scholarship Board, appointed by the President, consisting of 13 members who are recognized scholars in the fields of engineering science, mathematics, languages (including classical), the humanities, and the arts. The duties and responsibilities of the Board shall be to set forth the policies and principles for selection of individuals for scholarships which shall be known as national scholarships. As part of the examination, designed to measure achievement, the Board shall require each competing individual to submit an original theme or composition written in English as well as a written translation of such theme or composition from English into a foreign language.

B. In order to compete for these scholarships, an individual must meet the following requirements:

1. Must be in his last academic year or must hold a certificate of graduation from a secondary school.

2. Must have completed at least 4 years of English, 4 years of history, 3 years of mathematics, 3 years of a foreign language, 3 years of science or, in lieu thereof, 3 years of Latin or Greek.

3. Must be or have been in the upper 15 percent of his class.

C. Each scholarship awarded by the Board shall be for 4 years or such longer period of time necessary to complete the course hich the student is pursuing. The amount of the scholarship shall be based on the estimated expenses of the recipient but in no event shall the amount exceed $3,000 for any academic year. Each recipient of a scholarship shall be designated a "national scholar."

D. The Board would be authorized to award every year a maximum of 1,000 scholarships. The Board shall establish a minimum attainment grade for such examinations and, notwithstanding the number of scholarships authorized, a scholarship shall not be awarded to any individual unless he equals or exceeds such minimum grade. Thus, if only 700 of the applicants receive such a grade, only that number would be awarded and the remaining 300 would not be used. If more than 1,000 applicants receive a passing grade, the scholarships will be awarded in accordance with the principles and policies established by the Board.

E. The examinations conducted by the Board will be on a nationwide basis with no geographic restrictions or limitations on the number of participants from any State or community. This same condition will also apply with respect to the award of these scholarships.

2. TAX CREDIT TO HOMEOWNERS FOR THAT PORTION OF THEIR REAL PROPERTY TAX WHICH IS USED FOR THE MAINTENANCE, OPERATION, AND CONSTRUCTION OF PUBLIC ELEMENTARY AND SECONDARY SCHOOLS

A. The taxpayer would continue to deduct the amount of his real property tax from his gross taxable income; after he determines what his tax will be, he then credits against his final tax that amount of his real property tax which is used for the maintenance, operation, and construction of public elementary and secondary schools.

B. Tax credit would be the amount actually paid by the taxpayer or $100 whichever is less. To illustrate, a taxpayer pays a real property tax of $600, of which $350 is used for public school purposes. As he does at present, the taxpayer would be able to deduct from his taxable income $600, and assuming that he is in the 20-percent bracket, this would result in a tax saving to him of $120 (20 percent of $600). After determining his final tax, for example, $500, the taxpayer in addition would be able to take a credit of $100 against his net tax, thus, instead of paying a tax of $500, he would pay only $400.

C. The taxpayer who takes a standard deduction would also benefit since the credit granted is taken against the final tax after all exemptions and deductions have been made.

D. The deduction together with the tax credit cannot result in a saving to the taxpayer of more than the actual amount of that portion of the real property tax devoted to public school needs. For example, the taxpayer pays a real property tax of $100, of which $60 is used for public school purposes. Assuming the taxpayer is in the 20-percent bracket, he would be able to reduce his tax by $20 (20 percent of $100), $12 of which is attributable to the tax for school purposes. Giving such a taxpayer a $60 credit—the actual amount paid for school purposes—would return a saving to the taxpayer of $72 or $12 more than the tax he paid for support of the public schools. Thus, the tax credit in this case would be limited to $48.

3. TAX RELIEF FOR FAMILIES WITH CHILDREN ATTENDING COLLEGE

A. The taxpayer is granted an additional deduction from his taxable income for the expenses incurred by him, his spouse, or his dependent or dependents, while attending college.

B. Expenses shall include tuition and fees charged by the college for a course of in-

struction and attendance at such college; books, supplies, and equipment; room and board, whether the student is living on or off the campus. The amount the taxpayer may deduct shall be the actual amount of expenses paid but not to exceed $2,000 for each child attending college. Of this amount, the cost of room and board may not exceed $90 a month while the student is in attendance at college ($45 in the case of a student living at home).

C. In addition to his child or children, the taxpayer may also deduct such expenses which he incurs as a student as well as those of his wife and anyone else whom the taxpayer can lawfully claim as a dependent.

D. The deduction is available to a taxpayer whose dependent is attending a college, university, or other institution of higher learning, such as medical school, dental school, law school, or other graduate school. This deduction is not available to a taxpayer whose dependent is attending a trade or vocational school or any other school which does not award a baccalaureate or higher degree.

E. The amount of expenses which the taxpayer may deduct from his taxable income shall be reduced by the amount by which the taxable income of the taxpayer exceeds $10,000 if the taxpayer is unmarried or if married, files a separate return or, $20,000 if the taxpayer is married and files a joint return or is a head of a household or a surviving spouse. Thus, if a taxpayer has $2,000 in educational expenses and a taxable income of $20,800, he would be entitled to a deduction of $1,200 ($2,000 less $800, the amount in excess of $20,000). The taxpayer thereby reduces his taxable income from $20,800 to $19,600. If the taxpayer is in the 50 percent bracket, he would thereby reduce his tax by $600 (50 percent of $1,200).

THE COLUMBUS BEND DAM PROJECT ON THE COLORADO RIVER OF TEXAS

Mr. YARBOROUGH. Mr. President, I introduce for appropriate reference a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Columbus Bend Dam project in Texas.

This project is one of the major needs in the overall development of the Lower Colorado River Basin. The Columbus Bend Dam and the series of dams of the Lower Colorado River Authority, and others envisioned for the future, are part of one overall water program that includes flood control, hydroelectric power, irrigation, water for municipal needs, recreation, and navigation.

The Lower Colorado River Authority has aided in an exhaustive study of the present and future needs of Texas for water.

I was a member of the original board of directors of the Lower Colorado River Authority, appointed by Gov. James V. Allred in 1935, which started the construction of the first of the series of dams on the Colorado River. In my years in the Senate, I have continued to assist in every way possible in this vital overall water development program.

The Columbus Bend Dam project is no small or isolated project of special interest to a few. It is important to the provision of additional controlled water supply for municipal and industrial needs, not only in the area of the reservoir, but downstream from it.

Operating in existence with other dams, it will prevent the tragic wasting of water into the Gulf of Mexico, and will provide a firm and dependable supply of water necessary to the economic development of Texas.

The Federal Government and the Lower Colorado River Authority have worked together for more than a quarter of a century to provide this water control and supply, and I am proud to have had a part in this work from the beginning.

Support for the Columbus Bend project is based on extensive study and research. After study and research, it has been approved by the Board of Water Engineers of the State of Texas; it has been approved by the Governor of the State of Texas; it has been recommended by the Bureau of Reclamation, Department of Interior of the United States; it has been found to be in accord with Presidential policies by the Bureau of the Budget, and it has been recommended for immediate authorization and construction by the U.S. Study Commission of Texas.

The National Aeronautics and Space Agency has located its vast project for manned space flight research at Houston, Tex., less than 90 miles from the site of the Columbus Bend Dam project. No one can foresee the water needs of this rapidly growing area, but events in history and at present signify tremendous growth.

The gulf coast of Texas and an area far inland is on the threshold of a new era. The Columbus Bend Dam project can help us to meet the Nation's defense needs, the need for economic development in the immediate area of the dam, and it will contribute to overall conservation efforts vital, not only to Texas, but to the whole Nation. I ask unanimous consent that this bill be printed in the RECORD.

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

The bill (S. 220) to authorize the Secretary of the Interior to construct, operate, and maintain the Columbus Bend project, Texas, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, 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 the Secretary of the Interior is authorized to construct, operate, and maintain the Columbus Bend project, Texas, in accordance with the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), except as those laws are inconsistent with this Act, for the principal purposes of storing, regulating, and furnishing water for municipal, industrial, and irrigation use and recreation benefits and, as incidents to the foregoing, for the additional purposes of controlling floods and permitting generation of hydroelectric power. The principal features of the Columbus Bend project shall consist of a dam and reservoir on the Colorado River near Columbus, Texas, and minimum basic recreational facilities at that reservoir.

SEC. 2. (a) The Secretary shall make appropriate allocations of project costs to municipal and industrial water supply, conservation and development of fish and wildlife, and recreation: *Provided,* That all operation and maintenance costs for Columbus Bend Dam and Reservoir shall be allocated to municipal and industrial water supply. Construction costs of said dam and reservoir allocated to conservation and development of fish and wildlife and of the minimum basic recreational facilities, shall be nonreimbursable. Operation and maintenance thereof shall be at Federal expense.

(b) Allocations of project costs made to municipal and industrial water supply shall be repayable to the United States under either the provisions of the Federal reclamation laws or under the provisions of the Water Supply Act of 1958 (title III of Public Law 85-500, 72 Stat. 319): *Provided,* That, in either case, repayment of costs allocated to municipal and industrial water supply shall include interest on the unamortized balance of such allocations at a rate equal to the average rate (which rate shall be certified by the Secretary of the Treasury) paid by the United States on its marketable long-term securities outstanding on the date of this Act and adjusted to the nearest one-eighth of 1 per centum.

(c) If conditions permit irrigation use of project water, the Secretary is authorized to allocate to irrigation, under the provisions of the Federal reclamation laws, an appropriate portion of the project construction costs allocated to municipal and industrial water supply.

SEC. 3. (a) Construction of the project shall not be commenced until a contract has been executed by the Secretary and the Lower Colorado River Authority (an agency of the State of Texas) under which the Lower Colorado River Authority shall agree to repay reimbursable construction costs and to pay appropriate interest charges and operation and maintenance costs for Columbus Bend Dam and Reservoir in accordance with section 2 hereof.

(b) Such contract may be entered into without regard to the last sentence of section 9, subsection (c), of the Reclamation Project Act of 1939, and may recognize the relative priorities of municipal, industrial, and irrigation uses.

(c) Upon execution of the contract referred to in section 3(a) above, and upon completion of construction of the project, the Secretary shall transfer to said Lower Colorado River Authority the care, operation, and maintenance of Columbus Bend Dam and Reservoir upon the terms and conditions set out in the said contract.

(d) When all of the costs allocable to reimbursable purposes incurred by the United States in constructing, operating, and maintaining the project, together with appropriate interest charges, have been returned to the United States by the Lower Colorado River Authority, said Authority shall have a permanent right to use the storage capacity of Columbus Bend Reservoir.

SEC. 4. The Secretary may, upon conclusion of a suitable agreement with the Lower Colorado River Authority or other qualified agency of the State of Texas or a political subdivision thereof for assumption of the administration, operation, and maintenance thereof at the earliest practicable date, construct or permit the construction of public park and recreational facilities on lands owned by United States adjacent to Columbus Bend Reservoir, when such use is determined by the Secretary not to be contrary to the public interest, all under such rules and regulations as the Secretary may prescribe. The Federal costs of constructing the facilities authorized by this section shall be limited to the nonreimbursable costs of the Columbus Bend project for minimum

basic recreational facilities as determined by the Secretary.

SEC. 5. The Secretary is authorized to permit the Lower Colorado River Authority to install, at its own expense, hydroelectric power facilities at the Columbus Bend Dam and to operate and maintain said facilities under terms and conditions satisfactory to the Secretary of the Interior. In such event, the Secretary shall determine the construction costs, if any, of Columbus Bend Dam and Reservoir, which should be repaid by the Lower Colorado River Authority as a reimbursable allocation to power under the provisions of the Federal reclamation laws. If an allocation to power is found appropriate, the construction costs allocated to other reimbursable project purposes shall be reduced by an equivalent amount.

SEC. 6. Expenditures for the Columbus Bend Dam and Reservoir may be made without regard to the soil survey and land classification requirements of the Interior Department Appropriation Act of 1954 (43 U.S.C. 390a).

SEC. 7. There are hereby authorized to be appropriated such sums as may be required to carry out the purposes of this Act.

CONSTRUCTION OF ONEIDA DIVISION OF BEAR RIVER RECLAMATION PROJECT, IDAHO

Mr. MOSS. Mr. President, we are approaching the time when it will be appropriate for the Congress to consider legislation to authorize the Oneida division of the Bear River project—the first division of a giant water resource development which will substantially increase the supply of usable water in northern Utah and southern Idaho.

The Bureau of Reclamation is now completing its report on the Oneida division, and it should not be too many months before the report reaches Congress for its consideration. I am, therefore, introducing a bill to authorize the Oneida division so we can be ready for hearings and other committee attention to the project as soon as all of the necessary information about it is at hand.

The Oneida division extends from Grace, Idaho, south 100 miles to Ogden, Utah. Two of Utah's northernmost counties, Cache and Box Elder, will be most benefited in my State, as will two of Idaho's southernmost counties, Franklin and Bannock. Oneida is a multipurpose development which, through a system of storage, distribution, and water exchange, will provide a supplemental and full irrigation water supply for about 109,000 acres of land, including 61,000 acres in Idaho and 48,000 acres in Utah.

It will also provide municipal and industrial water supplies to a number of communities in Utah, will help conserve fish and wildlife resources there, and will establish new recreation facilities for the particular enjoyment of people in the surrounding area to whom they will be easily accessible.

Of special importance is the fact that supplemental supplies of industrial and municipal water will be available to Brigham City and to the Ogden, Utah, area where there is unusual population growth because of Utah's expanding missile industry.

The project will also have a decided impact on the farming community in that it will not only put new acres under irrigation, and provide more water for some already being irrigated, but it will give northern Utah additional late-season irrigation, which is one of the great needs of that locality. Large areas of land that are now being dry farmed can produce their full potential. This, of course, should improve farm income in an area which is now somewhat depressed.

Firm costs for the Oneida division are not yet available, but it is expected that the total cost will be in the neighborhood of $85 million. Most of it will be repaid with interest, over a period of 60 years, by the water users. The Oneida Narrows Dam on the Bear River, about 10 miles east of Preston, will be the principal works, an earthfill dam constructed at a cost of about $26½ million. The Honeyville Dam and Reservoir on the Bear near Tremonton, Utah, will cost about $6 million, and the enlargement work on the existing Glendale Reservoir on Worm Creek near Preston under $4 million. The latter two will also be earthfill dams.

Included in these works will be a supply canal to deliver water to existing irrigation systems and to a water fowl area planned in northern Cache County in Utah. In addition to enlarging the Glendale Reservoir, new canals, laterals, and drains are to be constructed to fulfill the objectives of a desirable project.

The project would, of course, be constructed, operated, and maintained by the Secretary of the Interior. The Cache County Water Users Association is the local sponsor of the project, and has done a vigorous educational job in informing citizens in Utah of the significance of the entire Bear River project.

I trust that the Oneida division can be authorized before the 88th Congress adjourns.

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

The bill (S. 227) to authorize the Secretary of the Interior to construct, operate, and maintain the Oneida Division of the Bear River reclamation project, Idaho, and for other purposes, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

ASSISTANCE TO SCHOOLS IN FEDERALLY IMPACTED AREAS

Mr. DODD. Mr. President, during the closing days of the 1st session of the 87th Congress in September 1961, Public Law 874 and Public Law 815, providing school aid to federally impacted areas, was salvaged from extinction at the 11th hour, and this happened after the laws had officially expired on June 30, 1961.

This vital and specialized legislation had been allowed to lapse because a general aid to education bill was supposed to take care of all school districts, impacted or not.

An aid to education bill was not passed, and at the last minute Public Law 874 and Public Law 815 were extended for 2 years. They will again expire on June 30 of this year.

I believe it wise to avoid a repetition of a last-minute extension, and I recommend that these programs be immediately extended for 1 year.

This will clear the air from many points of view.

It will allow school districts to intelligently and progressively plan their budgets for the coming year, with a feeling of security regarding their commitments.

It will permit consideration of all other types of Federal aid to education in an atmosphere of calmness, without the harassment of meeting a deadline which was so apparent when Public Law 874 and Public Law 815 lapsed 2 years ago. At that time only the good offices of our distinguished majority leader and a completely bipartisan approach made it possible for the laws to be extended during the latter days of the 1st session of the 87th Congress.

The wisdom of extending these laws at this time is, or should be, self-evident to all, and I hope my colleagues on both sides of the aisle will support early and affirmative action. If we do not move in this area at once, the school districts concerned and their administrators who will shortly be hiring teachers, buying supplies, and otherwise preparing for the next school year, will do so without the assurance of Federal aid which they have depended on for many, many years.

Incorporated in my bill for 1-year extension is another provision which would lessen the economic hardship on school districts caused by the sale of Government property to private interests.

Recently, a sale of this type in Groton, Conn., caused an immediate economic crisis in Groton and 20 other Connecticut towns in that area. I feel that the present law discriminates in its definition of "real property" and in the extent of its aid coverage following the sale of such property.

In many instances where there is a sale or disposal of Federal property the Federal project or program which caused the influx of workers and their families and children continues on and the burden on the schools and their facilities is in no way lessened by the sale. The amount of Federal aid, however, is markedly reduced without a corresponding increase in taxes assessed against the property sold to private interests.

In 1956 an amendment was inserted in Public Law 874 which stated that the provision of the law applied "1 year beyond the end of the fiscal year in which occurred the sale or transfer thereof by the United States, of any housing property considered prior to such sale or transfer to be Federal property for the purpose of the act."

This clause offers partial protection to school districts with a preponderance of "housing property," but offers no relief when the Government property sold is nonhousing. This is precisely what has occurred in Groton, Conn., with the transfer of a complex of industrial buildings owned by the Federal Government and sold to the Electric Boat Co.

This sale will have an immediate and serious adverse economic effect on the

school budgets of Groton and 20 surrounding towns. These towns and cities, dependent to a large extent on Federal aid to impacted areas, had no way of planning because the sale of these buildings took over a year to consummate and the final transfer of the property occurred last month after various delays and changes.

Situations of this type are, of course, not restricted to the State of Connecticut, and they can and will occur in many towns and cities throughout the United States as the Federal Government is called upon to dispose of Federal properties and other installations.

I feel that striking out the word "housing," and thus making all property eligible for relief extension and permitting the payment of aid benefits "for 1 year beyond the end of the fiscal year in which the sale or transfer" occurs, is only simple justice and wise economics in that it provides for intelligent planning and lessens the overall impact of the property sale on towns concerned.

I send this bill to the desk for appropriate reference, and request that it remain at the desk for a period of 5 days to give my colleagues an opportunity to join in cosponsoring this measure.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and without objection, the bill will lie on the desk as requested.

The bill (S. 236) to extend for 1 year certain provisions of Public Laws 815 and 874, 81st Congress, and to amend such laws with respect to the definition of the term "real property," introduced by Mr. DODD, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ESTABLISHMENT OF TOWNSITE FOR JUNEAU INDIAN VILLAGE, ALASKA

Mr. BARTLETT. Mr. President, on behalf of myself, and my colleague, the junior Senator from Alaska [Mr. GRUENING], I am pleased today to introduce a measure authorizing the survey and establishment of a townsite for the Juneau Indian Village in the State of Alaska.

Under current law, the citizens of this village are prevented from forming a townsite—and are thus prevented from obtaining title to their homes—because a section of the community is built on filled-in tidelands. The act of May 25, 1926, which governs the creation and disposal of native townsites makes no provision for tideland settlements. As a result the Tlingit Indians who reside in this village are unable to obtain home improvement loans and are denied the benefits of home ownership. These are benefits enjoyed by many other native Alaska villages.

The importance of this matter to the Juneau Indian Village is seen in the fact that every single adult member of the community has signed a petition to the Alaska congressional delegation asking amendment of the act of May 25, 1926. I ask unanimous consent that this be made a part of the RECORD at this point.

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

The bill (S. 247) to authorize survey and establishment of a townsite for the Juneau Indian Village in Alaska, introduced by Mr. BARTLETT (for himself and Mr. GRUENING), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The resolution presented by Mr. BARTLETT is as follows:

"Whereas the Tlingit Indian residents on tidelands in the Indian village in the City of Juneau, Alaska, are unable to get the Bureau of Land Management to establish and survey said tidelands for townsite purposes under the Indian Townsite Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355a–355d) because said act covers only public lands which does not include tidelands; and

"Whereas the Tlingit Indian residents and owners of homes and other improvements in the Juneau Indian Village are unable to own the land where their improvements are located and they desire to own said land; and

"Whereas, on September 16, 1960, the Solicitor for the Department of the Interior rules that tidelands in the Juneau Indian Village are still owned by the United States and were not conveyed to the State of Alaska by either the Tidelands Act of September 7, 1957 (71 Stat. 623) or the Statehood Act of July 7, 1958 (72 Stat. 339); and

"Whereas the Tlingit Indian residents and owners of improvements on tidelands in the Juneau Indian Village want the Indian Townsite Act of May 25, 1926, amended so said Indians may petition the Bureau of Land Management to establish and survey said tidelands for townsite purposes so that title to said lands may be conveyed by the townsite trustee to the proper Indian claimants and occupants of tracts of said tidelands: Therefore be it

"*Resolved*, That the Tlingit Indian residents and owners of improvements in the Juneau Indian Village do hereby request U.S. Senators E. L. BARTLETT and ERNEST GRUENING and U.S. Congressman RALPH J. RIVERS to introduce legislation in Congress to amend section 3 of the Indian Townsite Act of May 25, 1926 (44 Stat. 629) so that said act will include tidelands used and occupied by said Indians."

The foregoing resolution was introduced, passed, and adopted at Juneau, Alaska, this 14th day of January 1962, by the following adult residents and owners of improvements on tidelands in the Juneau Indian Village which represent 100 percent of said adult Tlingit Indian residents and owners of improvements in said village:

Alfred G. Grant, Mrs. Mary Reyes, Willie Peters, Cecilia Kunz, Mrs. Ruth Hayes, Henry Cropley, Margaret Cropley, Henry Anderson, Joseph G. Wilson, John F. Wilson, Sr., Peter L. Williams, Frank Shorty, Edward N. Kunz, Sr., Austin Hammond, Mrs. Martha Barril, Olga Wilson, Priscilla Corpuz, Dorothy Cornell, Roy R. Peters, Mrs. Alice Nelson, Bessie Visaya, Danny Wilson, Jessie Wilson, Jim C. John, Maggie Andersen, Albert Johnson, Elsie Johnson, Joseph G. Moses, Esther Moses, Lillian Grant, Fannie Ward, Johnnie A. Jackson, Annie James, Chris Nelson, Carl C. Nelson, James Peters, Robert Peters, Marie Peters, Bessie Williams.

Mr. BARTLETT. It is clear, Mr. President, that a mere technicality in the law is discriminating against the residents of this Indian Village at Juneau. I am confident the Congress will wish, in simple justice, to see that these citizens receive what other Alaska natives now enjoy—the right to establish a townsite.

DESIGNATION OF O'MAHONEY LAKE AND RECREATION AREA, WYO. AND UTAH

Mr. McGEE. Mr. President, on behalf of myself and Senators BARTLETT, BIBLE, BYRD of West Virginia, CHURCH, DODD, DOUGLAS, EASTLAND, ENGLE, FONG, GRUENING, HARTKE, HILL, HOLLAND, HUMPHREY, INOUYE, JAVITS, KEFAUVER, MANSFIELD, MCGOVERN, METCALF, NELSON, NEUBERGER, PELL, RANDOLPH, RIBICOFF, SALTONSTALL, SMITH, SPARKMAN, SYMINGTON, TALMADGE, YARBOROUGH, and YOUNG of North Dakota, I introduce, for appropriate reference, a joint resolution to designate the lake to be formed by the waters impounded by the Flaming Gorge Dam, Utah, and the recreation area contiguous to such lake in the States of Wyoming and Utah, as O'Mahoney Lake and Recreation Area.

Mr. President, in the interim between the 87th and 88th Congresses this Nation lost one of its great statesmen, a man who served in this body for a quarter of a century, leaving a legislative mark that will stand with this democracy for centuries to come. I refer, of course, to the late Senator Joseph C. O'Mahoney. The achievements of this remarkable man, who as the Washington Post said, "was an exemplar of the West's vitality and a vigorous champion of its interests and its point of view," were well stated on that sad day in May 1960, when "Senator Joe" announced his retirement from the U.S. Senate.

There is little that can be added at this time to the many moving and heartfelt tributes that Senator O'Mahoney received then. During his 25 years in the Senate he made many friends and earned more tribute then even this group of distinguished speakers could acknowledge. I am sure that my colleagues shared with me then the feeling of hopeless inadequacy that any of our words could match his deeds.

Mr. President, Joseph C. O'Mahoney was noted for many things in his long and full career in the Senate. His energies were unlimited, his interests were without bounds, and his dedication to principle and the people was complete and uncompromising. Speak of development of the West and its resources and Senator O'Mahoney is in the forefront. Consider legislation to curb abuses of our economic system and maintain the balance of free enterprise and O'Mahoney's imprint is clearly visible. Ask who in the 2d quarter of the 20th century provided Senate answers to questions on the Constitution and constitutional principles, and again there is the name "O'Mahoney." And ask who combined the quiet dignity of a true gentleman, the warmth and humor of the Irish with the highest order of intelligence and perception, and the answer is again Joseph C. O'Mahoney.

Joseph C. O'Mahoney is gone. We who would remember him and have others remember him and his record have sought some means to honor Senator O'Mahoney—a memorial to his works and personality. Of course, nothing will speak better than the record of his accomplishment, but we can provide a monument to remind us of that record.

No single memorial could encompass Senator O'Mahoney's wide range of activities, but one would be suitable as an example of his love for the people, his dedication to Wyoming and the West, and his record in the Senate. I have introduced a joint resolution to name the lake and recreation area to be created by the Flaming Gorge Dam on the Wyoming-Utah border the O'Mahoney Lake and Recreation Area. This reservoir will be 91 miles long and will create one of the most scenic and typically western recreation areas in the Nation. It will be a spot of rugged canyons, majestic vistas, and beautiful vegetation covering an area of 66 square miles. When the reservoir is filled this area will be one of the best recreational facilities in the West.

Mr. President, this memorial would be particularly appropriate for Senator O'Mahoney for several reasons. The majority of the lake and recreation area will be in Wyoming, indicative of Senator O'Mahoney's love for his State. Yet the project is part of a larger, multi-State undertaking, the upper Colorado project, which acknowledges the monumental role played by Senator O'Mahoney on reclamation projects throughout the West in the last quarter century. His work as member and chairman of the Committee on Interior and Insular Affairs is well known to anyone who has followed western resource development.

I ask unanimous consent that Wyoming editorials commending this proposal be included at this point in the RECORD.

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

[From the Lingle (Wyo.) Guide-Review, Jan. 10, 1963]

LET'S HAVE THIS

There is something appropriate and fitting about Senator McGEE's proposal to name the lake formed by the dam at Flaming Gorge and the resultant recreational facilities for the late Senator Joseph C. O'Mahoney. The project to adapt such work as a memorial to Senator Joe is one which should and probably will have the concurrence and support not only of the people of Wyoming but of all the people everywhere in the country, for Senator Joe's work was not localized, it was not provincial and was aimed to the welfare of the Nation.

Certainly, the accomplishments of Senator Joseph C. O'Mahoney during 25 years service in the U.S. Senate are such that a lasting memorial to his name be right and proper.

[From the Rock Springs (Wyo.) Rocket, Jan. 8, 1963]

LAKE O'MAHONEY WOULD BE FITTING TRIBUTE TO WYOMING'S GREAT SENATOR

Senator GALE McGEE's recent proposal to introduce a resolution to the 88th Congress to name the lake formed by Flaming Gorge Dam, as well as the recreation facilities connected to the lake, in honor of the late Senator Joseph C. O'Mahoney is a most commendable gesture.

Senator McGEE is to be complimented for initiating this appropriate and lasting tribute to Wyoming's beloved late Senator.

Senator O'Mahoney was one of the most powerful men in the Senate, having served for 24 years. He sponsored hundreds of pieces of legislation in his diligent work for the development of the great natural resources of the Western United States.

In his many years as chairman of the Senate Interior Committee, O'Mahoney had a direct hand in every reclamation and recreation project.

As Senator McGEE has stated, Flaming Gorge is a part of the upper Colorado River water storage project and therefore is closely associated with Senator O'Mahoney, who personally approved and directed much of the undertaking.

Flaming Gorge Dam will create a huge lake 93 miles in length in some of southwest Wyoming's most picturesque country and will give rise to fishing, boating, camping and picknicking that would have warmed the heart of Senator O'Mahoney.

O'Mahoney, one of Wyoming's greatest statesmen, died last December 1, at the age of 78. He was first elected to the Senate in 1934 and had retired in January 1961.

We are confident that under the able guidance of Senator McGEE, the proposal to make a suitable memorial for Senator O'Mahoney will be approved with little or no opposition from the late Senator's colleagues.

Again we commend Senator McGEE for his proposal to rename the Flaming Gorge Reservoir and recreation area O'Mahoney Lake and Recreation Area. No more fitting memorial could be made for the beloved Senator O'Mahoney.

[From the Casper (Wyo.) Star-Tribune, of Jan. 6, 1963]

McGEE WANTS FLAMING GORGE NAMED FOR SENATOR O'MAHONEY

CHEYENNE.—Senator GALE McGEE, Democrat, of Wyoming, proposed Friday to rename the Flaming Gorge Reservoir and recreation area in southwestern Wyoming in honor of the late Senator Joseph C. O'Mahoney.

McGEE proposed the O'Mahoney Lake and Reservoir Area as a memorial to the late Senator who died last month. McGEE said he would introduce a joint resolution in Congress to adopt the name.

"In the last several decades there is scarcely a project of this sort anywhere in the West that has not had the personal approval and direction of Senator O'Mahoney," McGEE said. O'Mahoney was a Senator for 25 years and was chairman of the Senate Interior Committee for several years.

While the Flaming Gorge Dam, on the Green River is in Utah, most of the reservoir and recreation areas will be in the Green River, Wyo., area.

McGEE said he had already gained support for his plan from some of the appropriate Federal agencies, fellow Senators and the members of congressional delegations of neighboring States.

[From the Casper (Wyo.) Star, Jan. 5, 1963]

O'MAHONEY LAKE NAME SOUGHT IN SOUTHWEST

CHEYENNE.—Senator GALE McGEE, Democrat, of Wyoming, said Friday he will ask the 88th Congress opening next week to name the huge lake being backed up by Flaming Gorge Dam and the surrounding recreation areas after the late Senator Joseph C. O'Mahoney, of Wyoming.

McGEE said O'Mahoney Lake and Recreation Area would serve as a memorial to the late Senator who died last month. O'Mahoney served Wyoming in the Senate for 25 years and was Democratic chairman of the Senate Interior Committee many years.

"In the last several decades there is scarcely a project of this sort anywhere in the West that has not had the personal approval and direction of Senator O'Mahoney," McGEE said in a prepared statement.

McGEE said he had gained support for the memorial from some of the appropriate Federal agencies, from fellow Senators and congressional delegations of neighboring States.

He said while the Flaming Gorge Dam is in Utah, most of the reservoir being formed by the Green River will be in Wyoming as will the recreation areas. The reservoir will eventually back up to the edge of Green River in southwestern Wyoming.

McGEE, at a press conference, skirted the question of whether he will seek reelection in 1964 but added that he and Democratic Party leaders were planning to win with the party in 2 years.

McGEE attributed the Democrats' crushing losses in Wyoming November 6 to a feeling by voters against politicians in power and in favor of those out of power, but added that by 1964 he anticipates "a lot of chickens would come home to roost."

McGEE also made these other points:

1. Among the primary problems facing the 1963 State legislature are reapportionment, right-to-work legislation, financial help for municipalities, and finding new sources of State income.

2. Tax cuts and maintaining the U.S. military posture will be the two main issues affecting Wyoming during the new Congress.

3. The death of Senator Robert Kerr, Democrat, of Oklahoma, was a blow to the forces trying to prevent a cut in the oil depletion allowance but that no cut in the allowance should be approved in the next Congress.

McGEE said he will attend the inauguration of new Wyoming State officials Monday before returning to Washington.

[From the Rock Springs (Wyo.), Miner, Jan. 6, 1963]

PROPOSED FLAMING GORGE NAME CHANGE WOULD HONOR O'MAHONEY

CHEYENNE, WYO.—Senator GALE McGEE, Democrat, of Wyoming, proposed here Friday that the Flaming Gorge Reservoir on the Wyoming-Utah border be renamed O'Mahoney Lake and Recreation Area in honor of the late Senator Joseph C. O'Mahoney, Democrat, of Wyoming.

O'Mahoney, who died last December 1, represented Wyoming in the U.S. Senate for nearly a quarter century before his retirement in January 1961.

"In searching for a suitable memorial we have tried to find something indicative of Senator O'Mahoney's love of Wyoming and the West, of his devotion to the people and the general welfare, and of his warm and human spirit," said McGEE.

McGEE said he would introduce a joint resolution to rename the huge reservoir in honor of O'Mahoney on opening day of the 88th Congress, next Wednesday.

He said he was sure it would have the support of Federal agencies involved and of other western congressional delegations, including those from Utah. Flaming Gorge Dam itself is located in Utah.

"This project is appropriate for several reasons," McGEE said.

He said it was largely located in Wyoming, though indicative of the multi-State Upper Colorado River water storage project and therefore closely associated with O'Mahoney.

"In the last several decades there is scarcely a project of this sort anywhere in the West that has not had the personal approval and direction of Senator O'Mahoney," McGEE said.

"He served for many years as chairman of the Interior Committee and throughout his 24 years in the Senate had a direct hand in every project of this sort. These projects are indicative of his effectiveness as his State's national spokesman."

The Senator said Flaming Gorge Dam will create a lake in a beautiful setting, giving rise to activities—fishing, boating, camping, and picnicking—that would have warmed the heart of his former Senate colleague.

[From the Newcastle (Wyo.) Newsletter, Jan. 10, 1963]

McGEE PROPOSED O'MAHONEY TRIBUTE

Senator GALE W. McGEE, Democrat, of Wyoming, has recently announced his intention to introduce a resolution in Congress to name the lake formed by Flaming Gorge Dam and the recreation facilities connected thereto for the late Senator Joseph C. O'Mahoney of Wyoming.

McGEE said, "Such a resolution will be a lasting and appropriate tribute to Wyoming's beloved Senator who worked so diligently for the development of the great natural resources of the western area of the United States."

"Knowing of the deep respect and affection in which Senator O'Mahoney was held by our people in Wyoming, I will be happy to make any of their letters a part of the permanent record," McGEE said.

McGEE has had indications from Members of both parties of their desire to cosponsor this resolution and to testify at the hearing.

[From the Jackson (Wyo.) Guide, Jan. 10, 1963]

SENATOR McGEE WOULD HONOR SENATOR O'MAHONEY

Senator GALE McGEE writes us as follows:

"I have just recently announced my intention to introduce a resolution in the 88th Congress to name the lake formed by Flaming Gorge Dam and the recreation facilities connected thereto for the late Senator Joseph C. O'Mahoney of Wyoming.

"Such a resolution will be a lasting and appropriate tribute to Wyoming's beloved Senator who worked so diligently for development of the great natural resources of the western area of the United States.

"Since hearings will be held by the Senate Interior Committee on the resolution, I have already had indications from many of Senator Joe's friends in the Senate, of both parties, of their desire to cosponsor this resolution with me and to testify at the hearing."

[From the Uinta County Herald, Evanston, Wyo., Jan. 10, 1963]

McGEE PROPOSES TO HONOR SENATOR JOSEPH C. O'MAHONEY

U.S. Senator GALE W. McGEE recently announced his intention to introduce a resolution in the 88th Congress to name the lake formed by the Flaming Gorge Dam and the recreation facilities connected thereto for the late Senator Joseph C. O'Mahoney of Wyoming.

In our opinion, nothing could be more appropriate than this lasting tribute to Senator O'Mahoney. It seems a fitting reward for the many years of work he performed in developing the natural resources of the West. He believed in conservation, and he fought many successful battles in the Senate to create projects such as the Flaming Gorge and others related to it, to conserve our precious water supply and put it to the best possible use.

Senator O'Mahoney is remembered for many things in his long and illustrious career. As a Democratic Senator he displayed the integrity and courage that typified his entire life in opposing President Roosevelt's plan to "pack" the Supreme Court. His dedication to the welfare of the independent businessman is well known. His fight against large monopolies made headlines time and time again.

The confidence and respect Senator O'Mahoney received from his fellow workers is now being shown as many of his former friends in the Senate, of both political parties have indicated a desire to cosponsor the resolution with Senator McGEE, and to testify at the Interior Committee hearing when the resolution is considered.

In announcing his proposal, Senator McGEE said: "Knowing of the deep respect and affection in which Senator O'Mahoney was held by our people in Wyoming, I will be happy to make any of the letters a part of the permanent RECORD. In addition, I would welcome the opportunity to include in the RECORD any newspaper articles and editorials from Wyoming newspapers relating to 'Senator Joe' and to this planned memorial to his memory."

It would seem to us that Senator McGEE will be literally buried under the thousands of letters he will undoubtedly receive from Wyoming citizens who will seize this opportunity to show their gratitude for the lifetime of service of our beloved Senator Joseph C. O'Mahoney.

[From the Green River (Wyo.) Star, Jan. 10, 1963]

CHEWIN' THE FAT

This coming weekend is the annual special train from Cheyenne to Denver to attend the Western National Stock Show. This train is promoted by the Cheyenne Chamber of Commerce and will carry many prominent citizens of that town, plus some state leaders, and quite a few legislators. Was surprised when I heard someone say the other day that the legislators got this trip free, etc. Any person who goes on this train buys a deal—$8 for the train ticket and to get into the stock show, and no one repays the legislator for his expenditures. I did not go last session; came home on business instead.

Early last month Teno Roncalio suggested that the Flaming Gorge Reservoir might be named O'Mahoney Lake. Saturday in Cheyenne, Senator McGEE said a bill will be introduced to that effect. I have never forgotten the hassle that arose when Boulder Dam was renamed after President Hoover, and then along came another administration and indicated that the name of Hoover was a sacrilege upon the project. Senator Joe O'Mahoney, to me, was one of the Nation's great men, and perhaps the greatest to go to Washington from Wyoming—and a personal friend whose memory I shall always treasure. It would be an awful thing to have something named after him and then have an adverse national administration slap his memory by removing his name from the project. I have always thought that the Highway 530 bridge at Green River, leading to the Flaming Gorge country, should have been named O'Mahoney bridge. It wouldn't have been built when it was so badly needed if he hadn't interceded with the Defense Board in Washington and obtained approval. By the way, Joe O'Mahoney once had the whole Green River Basin irrigation and water storage project well lined up back in the years before World War II. I was one of three who met in a hotel room in Rock Springs with Senator Joe. I was the only one of Joe's political faith. I shall never forget when one of these men kicked the whole project in the teeth by accusing O'Mahoney of using it for a reelection deal. However, Seedskadee would have been completed 20 years ago if that hadn't occurred. All of that group are now dead but myself.

[From the Green River (Wyo.) Star, Jan. 10, 1963]

CHAMBER SAYS RESERVOIR NAME SHOULD BE FLAMING GORGE LAKE

The Green River Chamber of Commerce wants the reservoir behind Flaming Gorge Dam to continue to be known as Flaming Gorge Lake, and the organization Wednesday night adopted a resolution to that effect for presentation to the Wyoming congressional delegation.

Acting upon the information that Senator GALE McGEE plans to introduce into Congress a resolution renaming the reservoir O'Mahoney Lake in tribute to the late Senator Joseph C. O'Mahoney, the chamber members decided that the name Flaming Gorge should be retained as one descriptive of the area, colorful and attractive to tourists, and in keeping with usage of several years past.

The chamber of commerce also adopted a resolution to the Wyoming Public Service Commission, urging continued effort with the Federal Power Commission to gain approval of the application of Colorado Interstate Gas Co. and El Paso Natural Gas Co. to construct a gas transmission pipeline from the McKinnon junction south of Green River to California.

Known as the Rock Springs project, the pipeline is considered by chamber members to be vital to the economy of Sweetwater County since it proposes that another pumping station be established south of Green River, and it would stimulate the development of the county's gas and oil resources. It is believed that failure of the FPC to approve the pipeline will deprive the area of a needed market for gas production and preclude any heavy play in the county fields and that even the Bitter Creek area will suffer.

The resolution will be directed to the PSC, with copies to the Members of the congressional delegation, the FPC, and the county commissioners, who have already taken a similar action.

Guests of the chamber at the dinner meeting were Mayor Frank Wilkes, Councilmen Ed Taliaferro, Rudy Pershin, Bill Luzmoor, and Town Clerk A. C. (Gus) Genz. Mayor Wilkes and Genz gave reports on the town's offer of a site to the National Park Service and Department of Interior for a district ranger headquarters for the Flaming Gorge recreation area.

Genz, a past president of the chamber, traced the steps which were followed through the past 2 years, from his first acquaintance with Carlock Johnson who is the project manager for the recreation area, to the present time, stressing the cooperation given by the town council and the planning commission.

The chamber members also heard a report from Mayor Wilkes on the status of the Green River Airport. The mayor explained that a strip 5,200 feet long and 300 feet wide is already usable, even accommodating two-engine aircraft. He noted that this work had been accomplished by use of town equipment, with an assist by the county, and that the town has already applied for State aid to share in these costs.

The Wyoming Aeronautics Commission had already approved grants of $4,000 for last year and an additional $4,000 for the upcoming year as state aid in the development of the Green River Airport, Wilkes said. He said that the town is considering the application of a permaprime treatment to harden the surface of the runway, and that as funds are available further development of the airport would be made.

Councilman Rudy Pershin told the chamber members that he believed that it is time that the community again give thought to a site for the construction of a new county courthouse here. Pershin said that he felt that the question of a new courthouse would soon be coming up; and he thinks that the town and citizens of Green River should be prepared to offer a site which would insure construction here.

A report from Adrian Reynolds, chairman of a special committee on industrial development, was read to the chamber meeting by President Irv Roth. The report dealt with a suggestion from George Huff, Carpenters Union representative, that a skill shop be organized for the community, offering cabinet work, furniture repair and production of wood novelties for tourist trade. Members

discussed the report but took no definite action since Mr. Reynolds is absent at the State legislature.

Mr. McGEE. Mr. President, however appropriate this project would be on the ground of Senator O'Mahoney's interest in Wyoming and the West, I think it is primarily appropriate because it would reflect his interest and concern for people. For the O'Mahoney Lake and Recreation Area would be a place designed for the enjoyment of people, where the native and tourist can leave for a time the cares and frustrations of modern society and enjoy themselves in communion with nature. I believe that Joe O'Mahoney would be pleased to know that his memorial would serve to bring joy and happiness, peace and contentment to the citizens of the State he served so long and well and to people of the Nation which held his unswerving allegiance. I am pleased to note that already 30 Members have asked to cosponsor this proposed legislation, and I ask unanimous consent that the joint resolution lie on the table for a week so that any more who so desire may cosponsor.

Joseph C. O'Mahoney devoted his life to serving the people through a government designed to be the voice of the people. This resolution offers us a chance to pay homage to the man and his record, and I ask your support for this memorial to his name.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will lie on the desk, as requested by the Senator from Wyoming.

The joint resolution (S.J. Res. 17) to designate the lake to be formed by the waters impounded by the Flaming Gorge Dam, Utah, and the recreation area contiguous to such lake in the States of Wyoming and Utah, as O'Mahoney Lake and Recreation Area, introduced by Mr. McGEE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

FUNERAL EXPENSES FOR THE LATE SENATOR ROBERT S. KERR

Mr. MONRONEY. Mr. President, I submit a resolution to authorize the payment from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed in connection with the funeral for the late Senator Robert S. Kerr, of Oklahoma.

I ask unanimous consent, without prejudicing the rights of any Senators, that the resolution may be considered at this time by the Senate.

The PRESIDENT pro tempore. Is there objection to immediate consideration of the resolution? The Chair hears none; and, without objection, the Senate will proceed to its consideration.

The resolution will be stated for the information of the Senate.

The legislative clerk read the resolution, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed to arrange for and attend the funeral of the Honorable Robert S. Kerr, late a Senator from the State of Oklahoma, on vouchers to be approved by the chairman of the Committee on Rules and Administration.

The resolution (S. Res. 24) was considered and unanimously agreed to.

GRANT OF LEGISLATIVE AUTHORITY TO SELECT COMMITTEE ON SMALL BUSINESS

Mr. PROUTY. Mr. President, I submit, for appropriate reference, a resolution which grants full authority in legislative matters to the Select Committee on Small Business. Cosponsoring the resolution with me are Senators SCOTT, YOUNG of North Dakota, MOSS, BOGGS, and KEATING.

There are over 4½ million small businesses in this country, Mr. President. They are a most important segment of our economy. Unlike other facets of the economy, so-called big business, labor, and agriculture, our small businesses are without geographical limitation. They are equally important to our urban, metropolitan, suburban, and rural communities.

The growth and expansion of our Federal Government and its ever increasing regulatory activities have changed considerably the atmosphere of governmental relations with our small business enterprises. There is, it seems to me, sufficient basis for the Senate to consider establishing in its Select Committee on Small Business a committee which has jurisdictional authority over legislation peculiarly affecting the small businesses of this Nation.

A brief history of the Senate Small Business Committee demonstrates the development of the importance of this group over the years.

On October 9, 1940, about 23 years ago, the committee was authorized by resolution to be established in the Senate. Such eminent Senators as Murray, of Montana; Taft, of Ohio, and the present Senator Ellender, of Louisiana, served on that original committee.

At the commencement of each succeeding Congress, the Special Committee on Small Business was reconstituted until February 20, 1950, when the Senate acted upon resolutions which gave permanent, continuing status to the Small Business Committee. The vote at that time was 56 yeas to 26 nays, and included bipartisan support.

Then, on July 1, 1955, practically unanimous vote of the Senate provided that appointment to membership on the Small Business Committee should be accomplished in the same manner as appointment to the standing committees of the Senate.

Thus, we can readily see the development of the Select Committee on Small Business to its present status.

I submit, Mr. President, that the importance of the small business in every American community—over 4½ million strong—now warrants the next step in enhancement of the position of the committee itself. The small business legislation which is introduced in and acted upon by each session of the Congress seems to me to require action by a committee with full authority to draft and report bills which relate peculiarly to the small businesses and the men who run them. The work in this area is sufficiently important to warrant the full legislative jurisdiction enjoyed by other committees in order that its membership can develop an expertise in the field which is so common among members of the standing committees of the Senate.

Mr. President, our small business community needs confidence.

I submit, Mr. President, that the adoption of this resolution by the Senate is sorely needed to build that confidence. The President himself recognized that this is true. He stated that our small businesses were "failing at a record rate." Further a weekly staff report of the Small Business Committee in April of 1962 reported that the failure rate was then the highest in 20 years.

The committee itself has demonstrated its own importance.

The Senate has recognized the increasing need for the work of the committee, through its continued development of the prestige and importance attached to its work.

And, finally, the small business community, with its very large effect upon the entire Nation has attained a position of sufficient importance to the community that its legislative problems warrant the services of a committee with functions and powers such as are contemplated by this resolution.

Mr. President, I ask that this resolution, which I now offer, may lie on the table for 1 week in order that other interested Senators might have an opportunity to join with us in its sponsorship.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, without objection, the resolution will lie on the table, as requested by the Senator from Vermont.

The resolution (S. Res. 30) was referred to the Committee on Rules and Administration, as follows:

Resolved, That S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended, is amended to read as follows:

"That there is hereby created a select committee to be known as the Committee on Small Business, to consist of seventeen Senators to be appointed in the same manner and at the same time as the chairman and members of the standing committees of the Senate at the beginning of each Congress, and to which shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the problems of American small business enterprises.

"It shall be the duty of such committee to study and survey by means of research and investigation all problems of American small business enterprises, and to obtain all facts possible in relation thereto which would not only be of public interest, but which would

aid the Congress in enacting remedial legislation.

"Such committee shall from time to time report to the Senate, by bill or otherwise, its recommendations with respect to matters referred to the committee or otherwise within its jurisdiction."

SEC. 2. Subsection (d) of rule XXV of the Standing Rules of the Senate is amended by striking out in paragraph 2, the words "under this rule".

NOTICE OF MOTION TO AMEND RULE XXIV

Mr. CLARK submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend rule XXIV, as follows:

"*Resolved*, That rule XXIV be amended by adding a new subsection to read as follows:

" '3. A majority of the Senate members of a committee of conference shall have indicated by their votes their sympathy with the bill as passed and their concurrence in the prevailing opinion of the Senate on the matters in disagreement with the House of Representatives which occasion the appointment of the committee'."

The purpose of the proposed amendment is to incorporate in the Standing Rules of the Senate the democratic principle set forth in section 17 of Cleaves Manual that a simple majority of the Senate members of a conference committee must be sympathetic to the prevailing view of the Senate on the matters in disagreement with the House.

Mr. CLARK also submitted an amendment (S. Res. 31), intended to be proposed by him, to amend Senate rule XXIV of the Standing Rules of the Senate which was referred to the Committee on Rules and Administration and ordered to be printed.

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

NOTICE OF MOTION TO AMEND SECTION 134(c) OF LEGISLATIVE REORGANIZATION ACT OF 1946

Mr. CLARK submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend section 134(c) of the Legislative Reorganization Act of 1946:

"NOTICE OF MOTION TO AMEND SENATE RULES

"In accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend section 134(c) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190b(b)), enacted by the Congress in the exercise of the rulemaking power of the Senate and the House of Representatives, with respect to the Senate, to read as follows:

" '(b) No standing committee of the House, except the Committee on Rules, shall sit, without special leave, while the House is in session.'

"The purpose of the proposed amendment is to repeal the provision in section 134(c) of the Legislative Reorganization Act which has been interpreted to authorize a single Senator by entering objection to prevent all 130 Senate standing committees and subcommittees from meeting during Senate sessions."

Mr. CLARK also submitted an amendment (S. Res. 32) to amend section 134 (c) of the Legislative Reorganization Act of 1946, which was referred to the Committee on Rules and Administration.

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

NOTICE OF MOTION TO AMEND SENATE RULE XIX

Mr. CLARK submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend Senate rule XIX, as follows:

"NOTICE OF MOTION TO AMEND SENATE RULE XIX

"In accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend rule XIX by adding at the end thereof the following new subsection:

" '8. During the consideration of any measure, motion or other matter, any Senator may move that all further debate under the order for pending business shall be germane to the subject matter before the Senate. If such motion, which shall be nondebatable, is approved by the Senate, all further debate under the said order shall be germane to the subject matter before the Senate, and all questions of germaneness under this rule, when raised, including appeals, shall be decided by the Senate without debate.'

"The purpose of the proposed amendment is to provide for a rule of germaneness in debate to be invoked by majority vote on a nondebatable motion, so that the will of the Senate can be effectively carried out on urgent legislative matters."

Mr. CLARK also submitted an amendment (S. Res. 33) to amend Senate rule XIX, which was referred to the Committee on Rules and Administration.

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

NOTICE OF MOTION TO AMEND RULE XIX

Mr. CLARK submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend rule XIX, as follows:

"*Resolved*, That paragraph numbered 1 of rule XIX of the Standing Rules of the Senate (relating to debate) is amended by adding at the end thereof the following new sentence: 'Upon the request of any Senator who has been recognized, his remarks upon any subject may be delivered in writing, and if so delivered shall be printed in the CONGRESSIONAL RECORD in the same manner as if those remarks had been delivered orally.'

"SEC. 2. S. Res. 121, Eightieth Congress, first session, agreed to July 23, 1947, is repealed."

The purpose of this amendment to rule XIX is to permit the insertion of written texts of speeches in large print in the RECORD.

Mr. CLARK also submitted an amendment (S. Res. 34) to amend Senate rule XIX, which was referred to the Committee on Rules and Administration.

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

NOTICE OF MOTION TO AMEND RULE XIX

Mr. CLARK submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend rule XIX, as follows:

"*Resolved*, That paragraph numbered 1 of rule XIX of the Standing Rules of the Senate (relating to debate) is amended by adding at the end thereof the following new sentence: 'Whenever any Senator has held the floor for more than three consecutive hours, an objection to his continued recognition shall be in order at any time, and, if such an objection is made, the Senator shall yield the floor.' "

The purpose of this amendment to rule XIX is to provide a 3-hour limit on debate by any one Senator at any one time.

Mr. CLARK also submitted an amendment (S. Res. 35) to amend Senate rule XIX, which was referred to the Committee on Rules and Administration.

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

NOTICE OF MOTION TO AMEND RULE XXV

Mr. CLARK submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend rule XXV, as follows:

"*Resolved*, That rule XXV of the Standing Rules of the Senate is amended in the following respects:

"(a) Section 1(h) (relating to the jurisdiction of the Committee on Finance) is amended by striking the following listed subjects:

" '2. The bonded debt of the United States.

" '3. The deposit of public moneys.

" '5. Reciprocal trade agreements.

" '6. Transportation of dutiable goods.

" '8. Tariffs and import quotas, and matters related thereto.' and

" '9. National social security.';

and renumbering the remaining subjects.

"(b) Section 1(d) (relating to the jurisdiction of the Committee on Banking and Currency) is amended by adding at the end thereof:

" '10. The bonded debt of the United States.

" '11. The deposit of moneys.'

"(c) Section 1(i) (relating to the jurisdiction of the Committee on Foreign Relations) is amended by adding at the end thereof:

" '14. Reciprocal trade agreements.

" '15. Tariffs and import quotas, and matters related thereto.'

"(d) Section 1(j) (relating to the jurisdiction of the Committee on Interstate and Foreign Commerce) is amended by adding at the end thereof:

" '19. Transportation of dutiable goods.'

"(e) Section 1(l) (relating to the jurisdiction of the Committee on Labor and Public Welfare) is amended by adding at the end thereof:

" '20. National social security'."

The purpose of this amendment to rule XXV is to transfer jurisdiction over certain subject matters between committees.

Mr. CLARK also submitted an amendment (S. Res. 36) to amend Senate rule XXV, which was referred to the Committee on Rules and Administration.

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

NOTICE OF MOTION TO AMEND RULE XXIV

Mr. CLARK submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend rule XXIV, as follows:

"*Resolved*, That rule XXIV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"'3. No Member of the Senate may serve as chairman of a standing committee of the Senate after he has attained the age of seventy years. When any such chairman attains the age of seventy years, his successor shall be appointed in the manner prescribed by paragraph 1.'"

The purpose of this amendment to rule XXIV is to provide an age limit for service of committee chairman.

Mr. CLARK also submitted an amendment (S. Res. 37) to amend Senate rule XXIV, which was referred to the Committee on Rules and Administration.

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

NOTICE OF MOTION TO AMEND RULE XXIV

Mr. CLARK submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend rule XXIV, as follows:

"*Resolved*, That the text of rule XXIV of the Standing Rules of the Senate is amended to read as follows:

"'1. At the beginning of each Congress the Senate shall proceed by ballot to appoint the members of each standing committee, and unless otherwise ordered of each other committee of the Senate. All members of each such committee so appointed shall be appointed by one ballot. A plurality of the votes cast shall be required for the appointment of the members of each such committee.

"'2. Upon the appointment of the members of each such committee pursuant to paragraph 1, the members thereof shall elect by secret ballot one member of that committee to be chairman thereof. A majority of the whole number of votes given shall be required for the election of a chairman of any such committee'."

The purpose of this amendment to rule XXIV is to provide for the election of chairmen of Senate standing committees by secret ballot.

Mr. CLARK also submitted an amendment (S. Res. 38) to amend Senate rule XXIV, which was referred to the Committee on Rules and Administration.

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

NOTICE OF MOTION TO AMEND SECTION 134 OF THE LEGISLATIVE REORGANIZATION ACT OF 1946

Mr. CLARK submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend section 134 of the Legislative Reorganization Act of 1946, as follows:

"NOTICE OF MOTION TO AMEND SENATE RULES

"In accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend section 134 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190b(b)), enacted by the Congress in the exercise of the rulemaking power of the Senate and the House of Representatives, to add the following new subsections at the end thereof, which shall be applicable with respect to the Senate only:

"'(d) Each standing committee of the Senate shall meet at such time as it may prescribe by rule, upon the call of the chairman thereof, and at such other time as may be fixed by written notice signed by a majority of the members of the committee and filed with the committee clerk.

"'(e) The business to be considered at any meeting of a standing committee of the Senate shall be determined in accordance with its rules, and any other measure, motion, or matter within the jurisdiction of the committee shall be considered at such meeting that a majority of the members of the committee indicate their desire to consider by votes or by presentation of written notice filed with the committee clerk.

"'(f) Whenever any measure, motion, or other matter pending before a standing committee of the Senate has received consideration in executive session or sessions of the committee for a total of not less than 5 hours, any Senator may move the previous question with respect thereto. When such a motion is made and seconded, or a petition signed by a majority of the committee is presented to the chairman, and a quorum is present, it shall be submitted immediately to the committee by the chairman, and shall be determined without debate by yea-and-nay vote. A previous question may be asked and ordered with respect to one or more pending measures, motions, or matters, and may embrace one or more pending amendments to any pending measure, motion, or matter described therein and final action by the committee on the pending bill or resolution. If the previous question is so ordered as to any measure, motion, or matter, that measure, motion, or matter shall be presented immediately to the committee for determination. Each member of the committee desiring to be heard on one or more of the measures, motions, or other matters on which the previous question has been ordered shall be allowed to speak thereon for a total of 30 minutes.'

"The purpose of the proposed amendment is to amend section 134 of the Legislative Reorganization Act of 1946 with respect to the Senate, to provide a 'bill of rights' for Senate standing committees. The proposal would permit a majority of members of any standing committee of the Senate (1) to convene meetings of the committee; (2) to consider any matter within the jurisdiction of the committee; and (3) to end committee debate on a given measure by moving the previous question after full and fair debate of the issues."

Mr. CLARK also submitted an amendment (S. Res. 39), which was referred to the Committee on Rules and Administration.

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

NOTICE OF MOTION TO AMEND SUBSECTION 1 OF SENATE RULE III

Mr. CLARK submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend subsection 1 of Senate rule III, as follows:

"NOTICE OF MOTION TO AMEND SENATE RULE III

"In accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend subsection 1 of rule III of the Standing Rules of the Senate (relating to the commencement of daily sessions) to read as follows:

"'The Presiding Officer having taken the chair, and a quorum being present, motions to correct any mistakes made in the entries of the Journal of the preceding day shall be in order, and any such motion shall be deemed a privileged question, and proceeded with until disposed of. Unless a motion to read the Journal of the preceding day, which is nondebatable, is made and passed by majority vote, the Journal shall be deemed to have been read without actual recitation and approved.'

"The purpose of the proposed amendment is to delete the obsolete provision in rule III which makes it possible for a single Senator to demand that the Journal of the preceding day be read and to tie up the Senate for long periods by doing so. Instead it is proposed that 'unless a motion to read the Journal of the preceding day, which is nondebatable, is made and passed by majority vote, the Journal shall be deemed to have been read without actual recitation and approved'."

Mr. CLARK also submitted an amendment (S. Res. 40), which was referred to the Committee on Rules and Administration.

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

NOTICE OF MOTION TO AMEND RULE VII

Mr. CLARK submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend rule VII, as follows:

"*Resolved*, That rule VII of the Standing Rules of the Senate (relating to morning business) is amended by adding at the end thereof the following new paragraph:

"'8. One hour, if that much time be needed, shall be set aside for the transaction of morning business on each calendar day at the opening of proceedings or, if the Senate is in continuous, around-the-clock session, at noon. The period for morning business may be extended upon motion, which shall be nondebatable, approved by majority action. No Senator may address the Senate for more than three minutes during the period for morning business, unless he has obtained leave by unanimous consent to address the Senate for a longer time'."

The purpose of this amendment is to amend rule VII to regularize the procedures for the conduct of morning business.

Mr. CLARK also submitted an amendment (S. Res. 41) to amend Senate rule VII, which was referred to the Committee on Rules and Administration.

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

NATIONAL FOREIGN AFFAIRS ACADEMY

Mr. SYMINGTON. Mr. President, on page 235 of yesterday's RECORD, under the heading "National Foreign Affairs

Academy," I presented to the Senate reasons why I believe the establishment of an academy of the character recommended by the Herter Committee, chaired by former Secretary of State Herter, would be wise. Inadvertently, the bill itself was not printed in the RECORD following this my short statement. I therefore ask unanimous consent that the bill, S. 15, be printed at this point in the RECORD. I have already requested that it lie on the Secretary's desk for a week in order that Senators wishing to cosponsor it may do so.

There being no objection, the bill was 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 this Act may be cited as the "National Academy of Foreign Affairs Act."

ESTABLISHMENT OF ACADEMY

SEC. 2. There is hereby established in the executive branch of the Government an independent establishment to be known as the National Academy of Foreign Affairs (hereinafter referred to as the "Academy"). The Academy shall be located in or near the District of Columbia.

BOARD OF TRUSTEES

SEC. 3. (a) The Academy shall be under the general direction of a Board of Trustees (hereinafter referred to as the "Board") which shall consist of the following:

(1) The Secretary of State, who shall be Chairman of the Board;

(2) The Director of the United States Information Agency;

(3) The Commissioner of Education;

(4) The Administrator of the Agency for International Development;

(5) The Chancellor of the Academy:

(6) Four persons, not otherwise employed by the Government, to be appointed by the President, by and with the advice and consent of the Senate.

(b) Members of the Board referred to in subsection (a) (6) shall be appointed for terms of 5 years except that (1) any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term, and (2) such members first appointed shall be appointed for terms of 2, 3, 4, and 5 years respectively. Such members shall receive compensation, at a rate determined by the Secretary of State, for each day of service performed as such members and shall also be reimbursed for actual and necessary travel and subsistence expenses while serving as such members away from their places of residence.

CHANCELLOR AND OTHER OFFICERS AND EMPLOYEES

SEC. 4. (a) There shall be a Chancellor of the Academy who shall be appointed by the President, by and with the advice and consent of the Senate. The Chancellor shall receive compensation at the rate of $22,500 per annum, and shall serve at the pleasure of the President. The Chancellor shall be the chief executive officer of the Academy and shall perform his functions subject to the general supervision and direction of the Board.

(b) The Board shall appoint and fix the compensation, without regard to the civil service laws and Classification Act of 1949, of such other officers and employees, including teaching personnel, as may be necessary, but no such officer or employee may be compensated at a rate in excess of the maximum rate payable under the General Schedule of such Act. The Board is also authorized, with the consent of the head of the department or agency concerned, to utilize on a reimbursable basis the services of officers or employees of other departments and agencies of the Government.

PURPOSES AND FUNCTIONS OF THE ACADEMY

SEC. 5. The purposes and functions of the Academy shall be to provide for the training, education, and research needs of the foreign affairs operations of the Government through—

(1) the presentation of appropriate courses of professional instruction for the purpose of providing advanced level training for current and prospective foreign affairs personnel of the Government, with particular emphasis on the study of United States foreign policy as a unity;

(2) research in appropriate fields related to foreign affairs programs of the Government;

(3) leadership with respect to all governmental educational programs in the field of foreign affairs; and

(4) leadership in bringing our colleges and universities into more effective relationship with foreign affairs agencies of the Government.

SELECTION OF STUDENTS

SEC. 6. (a) The student body of the Academy shall consist of (1) personnel of civilian and military agencies of the Government concerned with foreign affairs programs, selected by their respective agencies in accordance with regulations of the Board, and (2) qualified college and university graduates selected on the basis of ability as determined in written or oral examinations, or both, and personal interviews held throughout the United States in accordance with regulations of the Board.

(b) Each person selected for admission to the Academy as a student shall be required as a condition of such admission to sign an agreement to complete the course of instruction for which he is admitted, and upon such completion to accept appointment as an employee of the Government (or, if already in Government service, to continue such service) in any position for which he is qualified for such period as may be prescribed by the Chancellor in accordance with regulations of the Board. Any such person may thereafter be relieved of an obligation so undertaken if, in the opinion of the Chancellor (or, if the person is in Government service, the head of the employing agency), such relief is in the public interest or is necessary to prevent undue hardship.

(c) The head of each department and agency, employees of which are admitted to the Academy, is authorized to pay, from funds appropriated or otherwise available to such department or agency, the salary, pay, or compensation (excluding overtime, holiday, and night differential pay) of each employee so admitted for the period or periods for which the employee is pursuing one or more courses of instruction at the Academy.

(d) The Board is authorized to make grants or other payments to persons attending the Academy (other than persons receiving salary, pay, or compensation under subsection (c)) to assist them in defraying living or other expenses incurred by them in connection with such attendance.

ACQUISITION AND HOLDING OF PROPERTY

SEC. 7. The Board shall have power, on behalf of the Academy, to acquire and hold real and personal property and to receive and accept gifts, donations, and trusts.

RULES AND REGULATIONS

SEC. 8. The Board shall establish such rules and regulations as may be necessary to carry out the provisions of this Act.

APPROPRIATIONS

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

AMENDMENT OF CLOTURE RULE BY PROVIDING FOR A THREE-FIFTHS VOTE—AMENDMENT TO SENATE RESOLUTION 9

Mr. HUMPHREY and Mr. KUCHEL (for themselves, Mr. DOUGLAS, Mr. CASE, Mr. FONG, Mr. RANDOLPH, Mr. CLARK, Mr. JAVITS, Mr. HART, Mr. KEATING, Mr. WILLIAMS of New Jersey, Mr. SCOTT, Mr. ENGLE, and Mr. BEALL) submitted an amendment, intended to be proposed by them, jointly, to the resolution (S. Res. 9) to amend the cloture rule by providing for adoption by a three-fifths vote, which was ordered to lie on the table and to be printed.

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK, MD.—ADDITIONAL COSPONSOR OF BILL

Mr. BEALL. Mr. President, I ask unanimous consent that the name of the Senator from Illinois [Mr. DOUGLAS] may be added as a cosponsor of S. 77, a bill to establish the Chesapeake and Ohio Canal National Historical Park in the State of Maryland, and for other purposes, the next time the bill is printed.

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

Mr. BEALL. I thank the Senator from Illinois [Mr. DOUGLAS] for his cooperation, and I congratulate him. I know he has always been interested in establishing and preserving wildlife. That is what we hope to accomplish.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, informed the Senate that, pursuant to the provisions of title 20, United States Code, sections 42 and 43, the Speaker had appointed Mr. CANNON, of Missouri, Mr. KIRWAN, of Ohio, and Mr. BOW, of Ohio, as members of the Board of Regents of the Smithsonian Institution, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 42 United States Code 2251, the Speaker had appointed Mr. HOLIFIELD, of California, Mr. PRICE, of Illinois, Mr. ASPINALL, of Colorado, Mr. THOMAS, of Texas, Mr. MORRIS, of New Mexico, Mr. HOSMER, of California, Mr. BATES, of Massachusetts, and Mr. WESTLAND, of Washington, as members of the Joint Committee on Atomic Energy, on the part of the House.

REMARKS BY SENATOR-ELECT ABRAHAM A. RIBICOFF AT DEDICATION CEREMONIES OF CONGREGATION BETH JACOB, ATLANTA, GA., DECEMBER 12, 1962

Mr. RUSSELL. Mr. President, a few weeks ago, with impressive rites and ceremonies, Congregation Beth Jacob

dedicated a beautiful new synagogue for the congregation in Atlanta, Ga. The honor guest and speaker on that occasion was the distinguished junior Senator from Connecticut, the Honorable ABRAHAM A. RIBICOFF. His name is embellished upon the large bronze plaque memorializing the dedication. In addition, in his honor, the congregation established the "Abraham Ribicoff Collection of Jewry in America."

It was my pleasure to attend these ceremonies. The distinguished Senator from Connecticut delivered a most scholarly and thought-provoking address which will long be remembered by all those who were privileged to hear him. I am pleased to have the opportunity to offer his speech for the RECORD. It is worthy of the study of all those who are interested in the responsibilities of man to the age in which he lives.

I ask unanimous consent that the speech may be printed in the RECORD.

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

REMARKS OF SENATOR-ELECT ABRAHAM A. RIBICOFF AT THE DEDICATION CEREMONIES OF CONGREGATION BETH JACOB, ATLANTA, GA., DECEMBER 12, 1962.

A large measure of faith and dedication has brought us to this solemn moment.

A large measure of bold, imaginative planning—of good old-fashioned hard work—have made possible these dedication ceremonies.

This exciting modern building in the heart of the Southeast is a far cry from the rented grocery store where this congregation first worshipped.

Yet the values of this congregation are unchanged. They are as old as our faith, and as young as our spirit and our belief in its possibilities for growth. This is a congregation of men and women schooled to teach diligently unto their own children.

This is a congregation of men and women who believe with the rabbi that it is better to be a hungry wise man than a satisfied fool.

This is a congregation to whom education is a necessity—to whom community responsibility and service is a basic tenet.

This is a congregation whose members take pride in their traditions—and in their individuality. This is a congregation, in short, endowed with integrity and with conviction.

It is good to come here to Atlanta, then, to speak with you—at this turning point in your lives—and in mine. For as I assume the responsibilities of a new office and you move forward toward your broader responsibilities here, we share a deep concern for the generation that will follow and for their education.

For at this time our very survival depends on our making plans for an educational system that will both meet our serious national needs and our diverse individual needs. As a nation, we must make a firmer commitment to the idea of education of the highest quality. We must realize that education is a unified process. It starts with kindergarten; it goes through elementary and secondary school; and continues through *colleges* and universities. In our country, we do not seek to educate an elite few; we seek to develop to the fullest limit the individual free human spirit of every American.

In moving forward to achieve this goal, there is one thing we must keep in mind, and that is this: We must make sure that we educate well-rounded young men and women who have a unified knowledge of the whole of our midtwentieth century culture.

For, unfortunately, there is a great split in the intellectual life of our country—and, in fact, in that of the whole of the Western World. Two great cultures—the sciences and humanities—are growing up which scarcely know each other. I want to speak with you especially about this problem, because it seems to me that those who help young people find inspiration in religion—which traditionally has kept humanity's sights raised—can perhaps lead us to a solution.

Many thoughtful people have commented on the growing gap between the "two cultures." The British scientist and novelist, C. P. Snow, who has explored it cogently, warns that between them grows "a gulf of mutual incomprehension—sometimes (particularly among the young) hostility and dislike, but most of all lack of understanding."

All of us have observed this. It sometimes seems to me that my scientist friends speak a different language from the one that I or my nonscientist friends speak. An able lawyer recently complained to me that during his college days he used to sit down at the lunch table with a group of engineering students and not have anything to say to them at all. And I know a college girl today—a social science major—who doesn't even like to date a chemistry major who is her current suitor. They have different interests—even, perhaps, different ways of thinking. They are taking completely different courses. She is concerned with politics and government, painting and literature. And though he is a brilliant scientist whom professors admire, he has read little outside his field and doesn't know or care too much about who wins elections or which political party is in power.

And, on the other side, I am the first to admit that the man in our society who is not educated in the sciences is abysmally ignorant of the world of the scientist. He has no knowledge—no understanding—of the great scientific methods or principles which now affect our every moment on this earth.

And why is this mutual incomprehension so important? Why is it a terrible loss to all of us?

Because it is the scientist whose progress and ideas to a large extent shape the problems of our modern world. But the decisions which seek to solve these problems—whether in government, education, industry, or business—are rarely made by scientists. Indeed, scientists or people with any experience in the sciences are rarely involved in such decisions at all.

The humanities "certainly preserve and create values." As the Nobel laureate professor, Isador Rabi, puts it, "they express symbolic, poetic, and prophetic qualities of the human spirit. Without the humanities we would not be conscious of our history; we would lose many of our aspirations and the graces of expression that move men's hearts." But the scientist, with his intensely specialized training, too often lacks the breadth of understanding which comes from a wide knowledge of the humanities.

In Washington—in this year of 1962—this is seen clearly. An increasing amount of Government business is concerned with science. And Government officials, usually trained in social sciences and law, find it difficult to communicate with others, who are trained in the sciences.

A top scientist who often serves as a consultant to the Government, a man of truly broad interests, has told me of the tremendous frustration he has occasionally felt when he presented scientific issues for decision to able and intelligent men who have little comprehension of the intensely specialized points under discussion.

He says his colleagues, as highly educated men, all have some understanding of, say, economics. But not of the physical sciences which now enter decisions of urgent concern to us all. And he finds his fellow scientists sometimes lack the breadth of judgment that comes only from a broad familiarity with literature and public affairs. The ability to make such broad judgments is also necessary in making great modern decisions in the public interest.

An educated man today must be a complete man. The physicist finds that some of the secrets of nature are bound up with international law; the man of letters finds that the human emotions he portrays are strongly involved with chemistry; the political man finds that he is spending a large segment of the Nation's wealth on cosmic physics or medical research; the businessman finds that his profits are very much affected by developments in foreign fields and foreign lands.

And when all is said and done, it is the man of vision—the creative man, if you will—who translates the world of today for his contemporaries—and for his descendants. It is the artist who mirrors the spiritual character of a nation and its peoples and gives them a way of expressing the meaning and the purpose of their existence. Indeed, Jules Verne reminds us that the artist can even point the direction to science.

As we strive to identify more effectively the talents of our youngsters—as we encourage young people to serve their Nation as well as themselves—let us strive also to close the gap between the two cultures. Let us not have thousands of presumably educated people, and indeed a whole national leadership, with little understanding of the scientific revolution. And let us not have thousands of people—perhaps, eventually, a great number of our national leaders—who can scarcely be described as educated because, though they are highly trained in the sciences, they have neglected the arts and humanities.

It is here that religion and religious education can play a profoundly important role. For religion can be the universal solvent that can bring together the sciences and the humanities. Religion can be the catalyst in bringing the sciences and the humanities into one universe of discourse.

At the center of all knowledge is the search for the meaning of human destiny and of individual self-fulfillment. It is through religion that these questions were first explored, and their exploration has led us through the sciences and the arts.

But they remain unanswered. Today, though we can communicate through telemeters with geiger counters in outer space, we are not much closer to the answers to these fundamental questions than was Abraham when he set out on foot from Mesopotamia to Canaan.

A thousand years in God's sight, say the Scriptures, is like yesterday when it is past, and as a watch in the night. We begin to know the meaning of this phrase, and the fantastic fraction it suggests, when we contemplate the mileages that are expressed in light years or the extremely small distances that are involved in nuclear physics.

And the contemplation of these basic issues—the root problems of all learning—is precisely the function of religion. There really can be no bringing together of mental, moral, or spiritual concepts without some idea of human destiny or self-fulfillment—without coming to know what it is to be human, in the deepest and most comprehensive sense of that term.

Dr. Mordecai Kaplan has pointed out that "Without an idea of human destiny or salvation, we are merely trying to make ropes out of sand."

The search for what is basic and fundamental, then, is the cement that holds together the two cultures. It finds expression in the arts, in literature, in the sciences. It is the very essence of religion. It seems to me natural that religious educators point

the way to the rest of us and set us an example as to how we can best bridge the gap between seemingly separate cultures.

Many colleges and universities are trying to blend the two traditions, Professor Rabi tells us. But "we pour a little of this and a little of that into the student's mind. We then hope that somehow the ingredients will combine through some mysterious alchemy and the result will be a man, educated, well rounded and wise. Most often, however, these ingredients remain well separated in the compartmentalized mind."

We need unified teaching by wise men and women who know—through refresher courses or other means—what is going on in each other's worlds. The scientist would then teach in a world in which men live—and hope, tomorrow, to breathe.

The nonscientist would understood the wisdom of the scientific tradition and its accomplishments.

I scarcely need remind the men and women of this audience of the potency of religion as a stimulus to a truly liberal education—and to the application of education to living.

But I must remind you, who care so deeply about the education of your own children, that yours is more than a personal responsibility.

Yours is a responsibility for the education of your brother's child, and of your neighbor's, north and south, east and west.

For the time has come when we may no longer always be lucky enough to muddle through. The time has come when we must set our sights on what we want and firmly resolve to pursue it. In this complicated and competitive world there is no asset greater than the brainpower of our people. Our Nation needs that brainpower. It is our responsibility to provide it.

There are still before us a host of unmet needs in education. And there may be many who prefer to wait until some new scientific breakthrough by our competitors again defies the imagination and spurs the sleepiest among us on.

I say we cannot wait. We must not.

We stand today just 38 years away from the 21st century. How prepared we will be to meet the challenges of that century will depend on what we do in this decade.

Let the imagination of the sixties be captured by our actions. Let us show the world and show ourselves that a free democratic society can achieve a quantity and quality of education undreamed of on this planet. Let us set this high goal; for in truth we can afford to achieve no less.

Can we continue to educate larger and larger numbers of young people—in the spirit of the American dream—and to give them a more unified background?

Our answer cannot be "No." It must be "Yes." And it must be a "Yes" given—strongly—with belief and with a firm personal commitment. I ask the help of you in this audience in making such a commitment to our Nation and its future.

TREASURY DEPARTMENT SALE OF LONG-TERM BONDS AT AUCTION TO HIGHEST BIDDER

Mr. DOUGLAS. Mr. President, for some years I and other Democratic members of the Joint Economic Committee have been urging the Treasury Department to put its long-term bonds up for auction, instead of disposing of them at a fixed price and a fixed yield.

I am sorry to say that during the preceding administration we were not able to convince the Treasury Department that this was a wise policy, but this winter Secretary Dillon and Under Secretary Roosa have adopted this suggestion. Last week $250 million worth of 30-year bonds were sold on the open market under competitive bidding. The yield on the $250 million worth of bonds will be 4.01 percent. That will be the cost to the Treasury Department of the money.

I am informed that if the bonds had been issued under the old system it would have been necessary for the Treasury Department to pay 4⅛ percent, and that the net cost could have been estimated at approximately 4.11 percent. Therefore, by this method of sale we will save approximately $250,000 a year in interest payments. Since the issue is for 30 years, this will mean a total saving of $7.5 million.

Experience shows that sometimes Congress comes forth with bright ideas which save the taxpayers money.

I congratulate Secretary Dillon and Under Secretary Roosa for being open-minded enough to adopt the suggestion. I hope that this will furnish a precedent for future issues of long-term bonds.

Mr. President, I ask unanimous consent that an article published in the Wall Street Journal of Wednesday, January 9, 1963, which describes this issue in detail, may be printed in the RECORD.

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

TREASURY BOND AUCTION IS SUCCESS; IT SAYS IT MAY USE METHOD AGAIN

The U.S. Treasury announced a resounding success for an auction sale yesterday of $250 million long-term bonds and expressed readiness to use this method of selling bonds again. The syndicate of bankers which bought the bonds announced a quick sellout, and shortly after the sale the open-market price for the new bonds was 100 2-32 bid, up from the underwriters' offering price of par.

The $250 million issue of 4 percent bonds with a final maturity in 1993 was won by a 75-member syndicate headed by C. J. Devine & Co., Salomon Brothers & Hutzler, Bankers Trust Co., Chase Manhattan Bank, First National City Bank of New York, Chemical Bank, New York Trust Co., and First National Bank of Chicago.

The winning syndicate resold the whole issue to investor customers within 2 hours after bids were opened in New York. The speedy resale was regarded by the Treasury as a mark of the operation's success.

The Devine-Salomon Brothers group beat out three competing bidders, with an offer of $99.8511 per $100 in face value of the bonds, based on a 4 percent coupon. This price gave the Treasury a net interest cost of 4.008210 percent.

Treasury Under Secretary Roosa said in Washington this was a lower borrowing cost than the flat interest rate he would have placed on the issue if sold in the usual way. The Treasury's ordinary method of selling long-term bonds for cash is to announce a take-it-or-leave-it price and interest rate, then take orders for individual bonds directly from the ultimate investors. In the auction technique used yesterday—a method long employed by corporate borrowers—the entire reissue of bonds went to a syndicate of middlemen who in turn resold the bonds to investors at a slight markup.

RESALE PRICE APPROVED BY TREASURY

The difference between the resale price of par and the price paid by the syndicate to the Treasury amounted to $1.49 per $1,000 bond. The resale price had the Treasury's approval. Mr. Roosa said the syndicate's markup seemed big enough to allow it to cover all marketing costs and then some, but the syndicate is "certainly not making a handsome killing on this thing."

Though Treasury officials clearly were pleased by the results, they refrained from sweeping predictions that the auction method would become the exclusive vehicle for long-term bond sales. The result, said Mr. Roosa, was "all that we could have asked for"; nothing happened during the auction or its extensive preliminaries "that would discourage us from trying it again," he added.

However, Mr. Roosa said the fact this was the Treasury's first such sale "attracted a lot of attention" and probably gave demand for the bonds an extra lift. He said there's no way of knowing whether demand will be that strong once the novelty has worn off.

Mr. Roosa declined to say when the Treasury may sell more long-term bonds by the auction method. Some $9.5 billion in old securities come due next month, and any decision to include a long-term bond among the new securities offered in exchange might satiate demand for distant-maturing issues for a while and postpone any early replay of the auction technique.

One of the Treasury's main reasons for trying the new method was to lure some long-term investors, such as pension funds and savings institutions, who may have been reluctant in the past to take part in the ordinary take-it-or-leave-it Treasury financings. Mr. Roosa said he'll have to study who bought the new bonds at resale yesterday before he knows if this objective was fully met.

In New York, a spokesman for the winning syndicate said buyers of the bonds represented an unusually broad range of investors across the Nation. He listed the main buyers as managers of municipal and corporate pension funds, State and local government funds, mutual savings banks, savings and loan associations and life insurance companies.

The winning syndicate, as did the other bidders, had lined up in advance a list of potential buyers of the bonds. Once the syndicate had filled orders of these advance customers, it used a rationing system to fill about 60 percent of each order received from latecomers.

The three other bidders in yesterday's auction were:

A 52-member group headed by Morgan Guaranty Trust Co. of New York, Bank of America, Blyth & Co., Inc., Halsey Stuart & Co., Inc., and Aubrey & Lanston & Co., Inc. This group's bid of $99.85100 on a 4-percent coupon was only a fraction lower than the winning bid; it would have produced an annual interest cost to the Treasury of 4.008216 percent.

The C. J. Devine bid topped by only 11-100th of a cent per $1,000 bond the bid received from the group that included Morgan Guaranty as a manager. The difference between the two bids calculated for the entire $250 million transaction came to only $275.

An 83-member group headed by First Boston Corp., Continental Illinois National Bank & Trust Co. of Chicago, and Discount Corp. of New York. The group's bid was $99.71014 on a 4-percent coupon, producing an interest cost of 4.016334 percent.

And a single bidder, C. F. Childs & Co., Inc., a Chicago-based dealer in government bonds, submitted a bid of $100 on the alternate 4⅛-percent coupon offered by the Treasury. This would have produced an interest cost of 4.124621 percent. While Childs was a single bidder, it had organized in advance a group of ultimate investors who would buy the bonds if Childs won. Under the Treasury's ground-rules, ultimate investors couldn't participate directly in the auction.

The interest yield computed on the Childs bid was well above the yields of the other

bidders. But Treasury officials regarded the unique form of the Childs participation as an important part of the whole experiment, and Mr. Roosa said in future auctions bidders organized on the Childs pattern "might come closer" to winning.

As did the winning bidder, both the Morgan Guaranty Trust group and the First Boston group were shooting for a public reoffering of 4-percent bonds at a price of $100. This was regarded as a clear consensus among the auction's participants of the market worth of the bonds.

"EXACTLY ON THE MARKET"

Mr. Roosa said the pattern of bids alined the worth of the bonds closer to prevailing securities market levels than the Treasury could have done by placing a take-it-or-leave-it interest rate on the issue. Judging by other Government bonds of comparable maturity, the auction prices came out "exactly on the market," he said.

The Treasury always has trouble deciding when is the best time to sell long-term bonds on the market for cash. During times of brisk business and high-interest rates, such sales tend to depress prices for bonds generally and push interest rates even higher both for the Treasury and other borrowers. And during times of business slack, the Treasury fears a heavy sale of long-term bonds will divert investment funds the private economy needs to finance housing and business expansion.

Treasury officials said yesterday's results showed a relatively small $250 million issue of long-term bonds can be sold through the auction method without such undesirable side effects.

"The bidding of the various syndicates indicates their combined judgment that borrowing of this amount can be readily fitted into the existing (interest) rate structure," Treasury Secretary Dillon said in a statement. "It clearly indicates that it is possible for the Treasury to tap the long-term bond market in this amount with a minimum impact on the supply of funds related to the needs of the economy."

Mr. ERVIN and several other Senators addressed the Chair.

The PRESIDING OFFICER (Mr. SMATHERS in the chair). The Senator from North Carolina [Mr. ERVIN] is recognized.

TRIBUTE TO SENATOR RUSSELL—30 YEARS A SENATOR

Mr. ERVIN. Mr. President, I regret very much that I was temporarily absent from the Senate floor when Members of the Senate paid deserved tribute to Senator DICK RUSSELL on account of his outstanding service to his State and Nation in the Senate during the past 30 years. In my honest judgment, DICK RUSSELL is the best qualified man in America for the Presidency, and it is a great tragedy for our country and the world that the prevailing political climate prevents him from attaining this high office simply because of the place of his residence and his unwillingness to sell constitutional truth to serve the political hour.

On January 12, 1963, the Macon Telegraph, of Macon, Ga., carried a short statement concerning DICK RUSSELL written by his longtime friend, Charles J. Bloch, of the Macon bar. I ask unanimous consent that this statement may be printed at this point in the RECORD as a part of my remarks.

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

DICK RUSSELL—30 YEARS A SENATOR

(By Charles J. Bloch)

January 12, 1933—30 years ago—DICK RUSSELL was, after the expiration of his term as Governor of Georgia, sworn in as U.S. Senator from Georgia.

That was 2 months before the inauguration of Franklin D. Roosevelt as President of the United States. Harry Truman was then presiding judge of the Jackson County (Mo.) court. That was 11 years before Eisenhower became General of the Army. President Kennedy was 16 years old. LYNDON JOHNSON was a law student. Hitler was about to come into power, and, 6 years later, start World War II. Through all those years, through all the changes which those years have produced, DICK RUSSELL has served his State and these United States constantly and faithfully. He has seen colleagues advanced to the Presidency and to the Vice Presidency, and though he must know that but for the fact that he is a southerner, that recognition would have been his, his unselfish service has continued unabated, and unsullied by any thought of what might have been.

His service to Georgia and the States of the South as leader of the southern bloc in the Senate has been outstanding. He continues to stand as a rock in the defense of his views of the meaning of the Constitution of the United States.

His service to the United States of America is best exemplified by his chairmanship, over the years, of the Armed Services Committee of the Senate.

Perhaps the most outstanding facet of that long service was his chairmanship of the combined memberships of the Senate Foreign Relations and Armed Services Committees in 1951, charged with the duty of investigating the recall by President Truman of Gen. Douglas MacArthur. These hearings concluded with a great paper of state, drafted by Senator RUSSELL—a message to the American people.

Appended was a message "To the Free Nations," and to "The Communist World," at least two paragraphs of which are as true and pertinent as they were 12 years ago:

"If those who threaten us take only a tyrant's lesson from differences among freemen and mistake the temper of our people they can plunge the world into war. But it would be a war they could never win and which would bring them to ultimate destruction."

"The issues which might divide our people are far transcended by the things which unite them. If threatened danger becomes war, the aggressor would find at one stroke arrayed against him the united energies, the united resources, and the united devotion of all the American people."

So spoke and so speaks one who is "the truest current Senate type, and incomparably the most influential man on the inner life of the Senate, Senator RUSSELL, of Georgia."

We greet him on this anniversary date, extend our thanks and appreciation to him, and wish for him, in the years to come, all those good things which the prayers of a grateful people can bring to a man who has served them faithfully and well.

WILLIAM HENRY BELK, MERCHANT OF THE SOUTH

Mr. ERVIN. Mr. President, one of the outstanding retail associations in the United States is the Belk family of stores, which consist of more than 400 retail stores situated in 17 of the States and Puerto Rico. The Belk family of stores was founded in 1888 by the late William Henry Belk, of Charlotte, N.C., and his brother, the late Dr. John M. Belk, of Monroe, N.C., and is going to celebrate its diamond jubilee during the present year.

On December 5 and 6, 1962, the Belk family of stores held meetings at Charlotte, N.C., and outlined the plans for its diamond jubilee before newspaper editors and publishers and television executives of the areas in which its stores are located. I was privileged to speak to these groups upon William Henry Belk and his contributions to society at banquets given these groups by the Belk family of stores on these occasions. William Henry Belk was a free enterpriser in the finest sense of the term and as such made a contribution of the highest potential value to American business. This contribution ought to be made known to all American businessmen who profess allegiance to the free enterprise system, and for this reason I ask unanimous consent that my remarks on the occasions set out above be printed at this point in the RECORD as a part of my remarks.

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

WILLIAM HENRY BELK, MERCHANT OF THE SOUTH

Since I esteemed him one of the finest products of our civilization, I cherish this opportunity to speak of Henry Belk and his contributions to society. Let me confess at the outset my indebtedness to LeGette Blythe's brilliant biography entitled "William Henry Belk, Merchant of the South" for the biographical facts relating to him.

These biographical facts illustrate in graphic fashion the truth that adversity is the diamond dust with which life polishes its jewels.

Henry Belk came of sturdy, God-fearing English and Scotch-Irish stock, who settled in the Carolinas before the American Revolution and actively participated in that war for independence. He was the son of Abel Nelson Washington Belk and his wife, Sarah Narcissus Walkup. His birthplace was the family farm in Lancaster County, S.C., and his birthday was June 2, 1862. At that time the tragic War Between the States was consuming the flower of the South's youth. Henry Belk was made fatherless at the age of 2 years and 8 months by thieving marauders from General Sherman's Army.

When Henry Belk was 11 years old, the family removed from the Lancaster County farm to Monroe, the county seat of Union County, N.C. Here he and his brother, Dr. John M. Belk, grew to manhood during the dark days of Reconstruction and its aftermath when the agricultural South was prostrated by poverty and a baneful credit system which produced ill will between merchant and farmer and often bankrupted both.

Sarah Walkup Belk believed that "what sculpture is to a block of marble, education is to the human soul." As a consequence, she saw to it that her sons were well instructed in the essential courses taught in the limited local schools of the day.

Despite his frequently expressed conviction that "next to being good Christians—there's nothing better for young people than—good educations," Henry Belk decided to forgo seeking a collegiate education. His decision was prompted in part by the neces-

sity to concentrate the scant financial resources of the family on procuring a medical education for his brother John, and in part by his own desire to embark immediately upon his precociously chosen lifework—the buying and selling of commodities for profit.

Notwithstanding his lack of a collegiate education, Henry Belk was well equipped to face the hard world of his day. For this he was indebted to the precept, the example, and the love of his great mother, Sarah Walkup Belk, who taught him habits of industry and thrift, and implanted indelibly in his mind and heart an unfailing integrity of thought and word and deed, an abiding love for good men and women of all sorts, a dedicated devotion to Calvinism as interpreted by the Southern Presbyterian Church, and an unshakeable faith in God.

On reaching the age of 14 years, Henry Belk became a clerk at a salary of $5 a month in the store of Ben D. Heath, which was then the leading mercantile establishment in Monroe. It is worthy of note that he saved $14.85 out of his salary for the first 3 months. He stayed with Mr. Heath 12 years, rising to the post of assistant manager at a salary of $40 a month.

Having saved $750 out of his earnings in the Heath store, Henry Belk concluded it was time to go into business for himself. On May 29, 1888, he opened his own dry-goods store in a small rented building in Monroe. He staked the success of the undertaking upon this abiding conviction: The most precious assets available to any mercantile establishment are the confidence of the public in the integrity of its management and the probability that satisfied customers will return to it for further trade.

To insure its acquisition of these assets, Henry Belk laid down these basic rules for the conduct of his newly established business:

1. That good merchandise was to be sold at the most reasonable price.

2. That the merchandise was to be sold for cash only.

3. That the merchandise was to be plainly marked with its retail price, and there was to be no haggling at the counter.

4. That every customer was to be treated with the utmost courtesy regardless of the size of his pocketbook.

5. That every customer was to be permitted to return without question any merchandise not satisfactory to him.

The second, third, and fifth rules were virtually without precedent in southern mercantile circles. The second had its origin in Henry Belk's detestation of the baneful credit system in vogue in the agricultural South and his appreciation of the psychological fact that when a fellow buys something and pays cash, he just naturally feels good.

A faithful observance of these rules brought to the new store constantly increasing trade and imposed upon its owner constantly increasing responsibilities. Being desirous of the assistance of an able and congenial associate, Henry Belk persuaded his brother, Dr. John Belk, to abandon medicine, and join him in the mercantile business. This event occurred in 1891. The association of the brothers in merchandising lasted from that time until 1928 when Dr. John Belk's death robbed his surviving brother of the benefit of his wise counsel.

At that time there were 39 stores in what Henry Belk so aptly called the Belk family of stores. The fourth of these stores, Belk Bros. Co., of Charlotte, N.C., now one of the outstanding retail establishments of the Nation, had opened September 25, 1895, and had become the particular charge of Henry Belk, who had removed his residence from Monroe to Charlotte.

Subsequent to Dr. John Belk's death, Henry Belk devoted his major efforts to increasing the services of the Charlotte store to the people of the Carolinas, and expanding the Belk family of stores to a total of 306 stores in 306 cities and towns in 14 States. At the same time he served with rare diligence as an elder in the Presbyterian Church, and as a trustee of many institutions of an educational, philanthropic, or religious nature, such as Davidson College, the Montreat Retreat Association, the Presbyterian Hospital in Charlotte, the Presbyterian Junior College, and the Presbyterian Orphans' Home at Barium Springs, N.C. Moreover, he materially aided by generous gifts the erection of more than 300 Presbyterian churches and manses, the establishment of the Sarah Walkup Hospital in Tai-Chow, China, and other good causes past numbering.

Henry Belk died at Charlotte on February 21, 1952, survived by his wife, Mrs. Mary Irwin Belk, who is a worthy descendant of her Revolutionary ancestors, his daughter, Sarah Walkup Belk, who is the accomplished wife of Charles Glenn Gambrell, and his five sons, William Henry Belk, Jr., John Montgomery Belk, Irwin Belk, Henderson Belk, and Thomas Milburn Belk, who are making significant contributions in their own right to our country.

An editorial writer made these contemporaneous comments:

"If one were looking for a man whose life exemplifies the best in the American system and in American life, it would be hard to find a more apt illustration than the career of William Henry Belk, whose death Thursday left a vacant place that had seemed to be almost permanent in the life of Charlotte and of the South. The record left behind him has been a living proof that integrity of character, fortified by a firm religious faith, is the best foundation for achievement in this land of ours. He built a mercantile empire that covered the whole Southeast, and he did it without benefit of RFC loans, aids to small business, or any other governmental favor. He started from scratch and rose at a time when the criterions for success were a man's ability, his will to achieve, his honesty of purpose. Mr. Belk had all three in abundant measure. * * * Quietly and without fanfare, he gave of his means to those causes which could strike at the root of social and economic evils and eliminate them at the source. His philanthropies were many and will be remembered long after him. But the finest of all his legacies is the example of his own life, full to overflowing with a certain steadfastness that serves as an anchor in this turbulent age."

I have attempted to sketch the salient external events of the life of Henry Belk. I have endeavored to reveal what manner of man he was in his innermost mind and heart. I have striven to indicate some of the manifestations of his love for his fellow men, and the esteem in which he was held by those who knew him in the flesh. I will now undertake to appraise his contribution to American business.

Henry Belk made a contribution of great moment to American business. It is not surprising that this contribution should be a reflection of his own intellectual and spiritual image.

The America we know and love was not made a living reality by the economic theorists who have promised abundance for all by robbing selected Peter to pay for collective Paul. The America we know and love was made a living reality by the blood, sweat, tears, and prayers of the free enterprisers—all those men and women, great and small, who have staked the existence of America as a free country upon the simple economic truths that earth yields nothing to man except the fruits of his labor and that no free man can be induced to produce things of value unless he is allowed to retain a fair share of the fruits of his labor for himself and those he loves and the causes he holds dear.

Henry Belk was a free enterpriser in the finest sense of the term. Life and religion taught him that a man of integrity is God's noblest creation. As a consequence, he believed supremely in the dignity and worth of the individual. He believed that the interests of society as well as those of individuals are best served by the individual initiative and the individual industry, which are the chief characteristics of the free enterprise system. He believed that the best way to encourage individual initiative and individual industry is to reward individuals who manifest diligence and integrity with advancement to positions imposing increased responsibility and offering increased opportunity. He believed, moreover, that every individual is accountable to society and to God for the use of his talents and possessions.

Henry Belk had the canny capacity to anticipate big business in the modern sense of the term, and to know it for what it really is. He understood clearly that big business is fraught with both good and ill.

He appreciated in full measure the good arising out of the power of the big merchandiser to promote efficiency through expert services not available to small merchants, and to pass on to customers in the form of better merchandise and lower prices the benefit of mass buying of commodities. He realized with equal clarity, however, that central control of activities and finance as customarily practiced in the chain-store system of merchandising has a strong tendency to stifle individual initiative and individual industry among the personnel of the retail outlets of the system. He could not tolerate the policy usually pursued by the chain system to make frequent transfers of managerial employees from one place to another because of its repugnancy to his conviction that the manager of a retail store ought to be an integral part of the community in which the store is located and discharge in full measure his share of the civic and religious obligations resting on citizens of that community.

Henry Belk saw the desirability of devising a method of retail merchandising which would adapt the good in big business to his basic beliefs concerning men and free enterprise. This he did in a highly successful manner in the concept that underlies and permeates the Belk family of stores. This concept constitutes his great contribution to American business.

The Belk family of stores is an association rather than a chain of retail dry goods stores. A central organization known as the Belk Stores service offers to each store expert services in merchandising, law, and the like, and the advantage of sharing in the mass buying of merchandise. There is, however, no centralized control of the activities and finances of the various stores.

Each store is, in fact, an independent legal and merchandising entity operated according to the judgment of its manager, who is at liberty to accept or reject the assistance of the Belk Stores service. The manager of the store attains his position as a reward for demonstrated diligence and integrity in some other member of the Belk family of stores. He shares the ownership of the store with members of the Belk family and their associates and for that reason has a real stake in it. As a permanent resident of the community in which the store is located, he has the incentive and opportunity to participate in all its civic and religious undertakings.

One cannot overmagnify the potential good in Henry Belk's contribution to American business. It affords a practical way by which America may obtain the benefits of big business without sacrificing the individual initiative and the individual industry which make the free enterprise system work. In closing, I indulge the fervent hope that American

business will employ Henry Belk's great concept with increasing frequency and increasing intensity in the days to come.

SCIENTIFIC RESEARCH IN SOVIET SIBERIA AND THE NEED FOR CORRESPONDING EFFORT IN ALASKA

Mr. GRUENING. Mr. President, our former colleague, the able and distinguished William Benton, publisher of the Encyclopaedia Britannica, has written a most interesting article for the Saturday Evening Post entitled "Inside the Siberian Science City." It tells of the tremendous complex of scientific institutes which the Russians are establishing at Novosibirsk in Siberia. It presents a tremendous challenge to us in the United States and to the free world in general.

Whatever may be the shortcomings and failures of the Kremlin's policies, there can be no question that in many fields of science the Russians are concentrating every effort and are achieving greatly. If we in the United States are not to be left behind, we must similarly and increasingly mobilize our brains, our talent, and our resources for scientific research.

An admirable opportunity to do this most effectively exists in Alaska. There, the University of Alaska, situated approximately 125 miles south of the Arctic Circle, 4 miles west of Fairbanks, is seeking to lay its foundation to be the American institution for Arctic and sub-Arctic research. Geographically, it is uniquely qualified for this important role. A significant start has been made there with its geophysical institute, with the oceanographic experiments being conducted jointly by the Office of Naval Research and the university at Point Barrow; by the establishment of a forest research laboratory which will be dedicated this spring; and by the pending construction of the water pollution laboratory, which was established under legislation passed in the 87th Congress. A program of environmental research is in the planning stage.

But these are only slender beginnings in a field of the utmost importance in which little work has been done by American scientists. The destiny of the University of Alaska, our farthest North institution of higher learning, lies in becoming that great institute of research for which President William R. Wood and the regents of the University of Alaska are seeking to lay the foundation. Our Nation and the free world will benefit by the achievement of that destiny.

I ask unanimous consent that former Senator William Benton's article be printed at this point in my remarks.

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

INSIDE THE SIBERIAN SCIENCE CITY

(By William Benton)

Deep in the forests of Siberia, near a vast manmade lake, the Soviets are building one of the most extraordinary scientific centers in the world. Its implications can be ominous for us. The only way to suggest an American counterpart would be to imagine the U.S. Government merging the theoretical-research departments of Harvard and the University of Chicago with the applied-research divisions of General Electric and Bell Telephone Laboratories—and establishing them all in a new headquarters on the outskirts of Detroit. This is roughly what the Soviets are planning for their science city outside the industrial center of Novosibirsk in Siberia.

The new establishment, just now nearing completion, is a striking symbol of the Soviet intellectual challenge to the West. It is a complex of 15 separate scientific institutes designed to house 50,000 research workers. It is dedicated not merely to theoretical research of the highest order but to solving practical problems in fields ranging from hydraulic mining to the translation of ancient languages. And this new science city is only the first of several that the Soviets plan to build across Siberia.

Since Novosibirsk is closed to most foreign visitors, only a handful of Americans have seen even the site of this science city. Among them are former Vice President Richard Nixon, Vice Adm. Hyman Rickover, and Ambassador Adlai Stevenson. What they saw was largely a blueprint. It was only recently, when I visited Russia, as a guest of the newly created Institute of Soviet-American Relations, that an American first saw the science city actually in operation. Perhaps I should add that I had told the Russians that I had no training in science and that I wouldn't recognize a secret if my nose were rubbed in it.

CEREMONIAL AT DAWN

It was 5:20 a.m. when I landed in Novosibirsk, 1,750 miles east of Moscow, together with Mrs. Benton and our 20-year-old son, John. A representative of the mayor, plus the chief learned secretary of the Siberian department of the Soviet Academy of Sciences, and a third official welcomer were on hand to meet us and drive us to our hotel. Our suite there, according to our escort, was "indisputably the most luxurious hotel suite in the entire Soviet Union." It had ceilings at least 20 feet high, beautiful oriental rugs, a piano in the living room and stiff, uncomfortable furniture.

Like the rest of Siberia, Novosibirsk scarcely corresponds to the Western image of a cold slave-labor prison. For one thing, it was hot when I was there, as hot as any town in Iowa. A village of a few thousand at the turn of the century, Novosibirsk was originally used as a camp for construction workers building the Trans-Siberian Railroad. Its big growth came during World War II, when the Soviets brought in great industrial plants evacuated before the Nazi push into western Russia. Today it is an industrial city of 1 million, roughly comparable to Detroit or Cleveland, a producer of turbines and steel and mining machinery. Its paved central square is about the size of four or five New York City blocks without greenery of any kind, and its opera house is the biggest in the U.S.S.R. Across the tops of the buildings on the main square are four great electric signs saying "Peace to the world, glory to the Communist Party of the Soviet Union, long live Leninism, long live the Soviet people." Most of the city's buildings are a drab gray. In winter the temperature falls to 50 below zero. All things considered, it is not surprising that the president of the Soviet Academy of Sciences originally opposed the plan to build a costly academic center there.

"You won't be able to persuade top scientists to move to Novosibirsk," he said.

"We can get the brilliant young ones," Khrushchev reportedly answered, "and we can train them there. The young scientists do the creative work."

HOW THE CITY BEGAN

When Khrushchev decided to go ahead with the science city 4 years ago, it was only part of a regional plan for the development of the whole area. One of the first steps was to dam the mighty Ob River, creating the Sea of Ob, 125 miles long, and providing enough power, heat, and light for both Novosibirsk and the science city. Then teams of construction workers arrived, and 12,500 of them are still at work on the project.

When we reached the science city—a 12-mile drive along a broad and modern but nearly empty highway from Novosibirsk—our car pulled up in front of the institute of geology. Waiting to greet us was Mikhail Lavrentiev, chairman of the Siberian department of the Soviet Academy of Sciences and head of the science city. He is a tall, stooping man with friendly eyes, and an eager host.

The 15 new institutes occupy great squat 3- and 4-story buildings somewhat resembling Soviet efficiency apartment houses. The unadorned facade of each institute faces a wide avenue of the institutes. Two main buildings have been in use for 3 or 4 years. Others were incomplete, still encased in scaffolding. None of these massive oblong structures had yet acquired the red stars or statues of Lenin that typify many public buildings in the U.S.S.R. Virgin forests behind the institutes provide room for expansion while shielding them from bitter Siberian winter winds. "We tried to preserve as much of the forest as possible," said Lavrentiev.

The names of the institutes give an idea of the scope of these drab new scientific palaces. Squarely in the center of the compound is the Institute of Geology and Geophysics. Next door is the Institute of Automation and Electrical Measuring Techniques. Then comes the Institute of Genetics, then the Institute of Experimental Biology and Medicine, then Hydrodynamics, Kinetics and Combustion, Applied Mechanics, and so on. I asked about nuclear reactors but was told this particular science city had no need of one.

The layout makes each institute an autonomous unit. Yet the institutes depend horizontally on each other for support—as shown by their locations. The Institute of Inorganic Chemistry, for example, stands next to the Institute of Thermophysics so that the scientists in one can work closely with those in the other.

Not far away from the institute buildings, on newly cleared forest land, workmen have already completed the first big physics and chemistry building of the new University of Novosibirsk, begun at the same time as the science city. The university already has 1,000 students, and the enrollment will increase to 4,000. The students will work at the institutes in research projects.

What goes on in this remote research center? As one example, which seemed rather strange in the middle of Siberia, the Soviets report that their computers have deciphered a Mayan Indian script which philologists had worked on for decades. Sergei Sobolev, head of the Institute of Mathematics, proudly presented me with a three-volume account of the work. Another group, the Geology Institute, has 92 survey teams investigating Siberia's wealth of iron, sulfur, copper and oil. "There is so much unknown and so much to be discovered," said the group's director, Andrei Trofimuk, a solidly built man of about 40. "Siberia has every mineral that exists."

BETTER THAN MOSCOW

The most spectacular demonstration that I saw was the use of a mining machine called a water-pressure cannon, developed by the Hydrodynamics Institute. It looks like a bundle of pipes, perhaps 10 feet in circumference and 8 feet long. From a safe distance we watched while the cannon fired at a 3-foot-thick chunk of granite. There was a loud bang. The granite splintered into a dozen fragments. In the same laboratory

we saw a piece of copper about 8 inches thick with a hole shot through its center by one of these water cannon. Lavrentiev boasted of the machine as "15 times better than Moscow has been able to do." We in the United States have nothing comparable to this for our mining industries.

The opportunity to work and get ahead in such laboratories—along with the comparative luxury of a house and garden of one's own—has indeed brought young scientists to Novosibirsk, as Khrushchev predicted. By now there are 12,500 of them (as well as 11 members of the Soviet Academy of Sciences). Arnold Romanov, for example, at the age of 29, is the head of a key section in the Institute of Automation and Electrical Measuring Techniques. A fascinating young man who has read widely in English literature and speaks our language well, Romanov sparkles with enthusiasm about his work. Here, he says, a gifted man gets a bigger job quicker. "The scientists are not alone," Lavrentiev added. "They have wives and children and grandchildren, and we take care of them."

The scientists don't spend all their time in laboratories. After our first morning at the center we lunched at the clubhouse for the institutes' top research scholars. There was a lavish array of 30 or more dishes—red and black caviar, tomatoes, cheeses meats, bottles of wine, and vodka. The next day we joined Lavrentiev and four colleagues in a 50-foot motor launch and chugged across the Sea of Ob to a camp run by the Academy of Sciences.

The camp, in a forest of tall, aromatic pines, consisted of three or four substantial log houses, together with half a dozen tents and small cabins. We saw a number of women and children—though we got little chance to talk to them. A rotund, tanned, bearded individual greeted us with a load of fish he had caught that morning. By the time we had all taken a swim, the bearded man had prepared a steaming fish soup with a chunk of pike floating in it. With that came caviar, salad, cheese, wine, and vodka, all served as a picnic beneath the tall white birches near the water. It made me think of some fantasy—portrayed by Manet, described by Tolstoy, and catered by Brillat-Savarin.

I wanted to find out more about how the Soviet scientists viewed their own role in the world. I asked Lavrentiev whether he didn't feel that many sciences were getting so specialized that a scientist found himself "learning more and more about less and less." Lavrentiev thought not—at least in his own case. As a boy of 11, he said, he had fallen in love with a mathematical puzzler called the four-color problem. The problem is this: How many different colors would you need to use on any map so that no two adjoining states are the same color, no matter how many states there are or what their shape? Lavrentiev said mathematicians had proved that five colors would be enough for any possible map, and that three would not be enough, but nobody had been able to prove mathematically that four would suffice. He named a Swedish scientist who had devoted a lifetime to this problem, but, as for himself, he had gone on to other things.

We agreed that there should be more exchange of information between our countries, but I mentioned the problem of the Soviets' unwillingness to abide by international rules of copyright and royalties. Sobolev, head of the Mathematics Institute, asked whether Russian writers got any royalties in the United States. When I said they did, he remarked that a publisher asked his permission to publish two of his mathematical works but there had been no royalties. He couldn't remember who the publisher was, and I never found out what had happened to the books in the United States. I said that books of this sort sold on such a small scale that there were few royalties.

As for more popular writers, I recalled that I first heard of the American ex-Communist novelist Howard Fast when I learned some years ago of his great popularity in the Soviet Union. I added that he had become better known in the United States since he abandoned communism in 1957. "It's exactly the reverse here," laughed Sobolev. And in fact I no longer found Fast's books on sale in the U.S.S.R.

I asked the members of the group to speculate on the future. What did they foresee?

"How can we foresee the future?" Sobolev asked. "All we know is that there will be more changes in the next 50 years than have been created in all the past history of the world put together."

I asked whether he agreed with the assertion by some experts that 90 percent of all the scientists who have ever lived are alive today. He thought a moment and then nodded in agreement. But not everyone accepted the implication that many scientists means great scientists. "There is no Newton alive today," said academician Ilya Vekhua, rector of the University of Novosibirsk.

In their conversation, as in their work, the scientists of Novosibirsk revealed an important difference in the way scientific training is organized east and west of the Iron Curtain. In the basic Soviet primary-secondary school, called the 11-year school, every student is required to take 10 years of mathematics, 5 of physics, 4 of chemistry and 2 of biology—in addition to such humanistic studies as history, literature, and a foreign language. On the basis of this broad background the student is encouraged to specialize as soon as he has finished the 11-year school. Since the tuition at all levels is free, a gifted student, no matter how poor, can develop his talents for the benefit of both himself and the state. Nor are these talents trained independently of the nation's industrial growth. There is no sharp division, as in the West, between the applied science of industry and the more prestigious theoretical science of the university.

"The graduates of the university must be as close as possible to industry," Lavrentiev told me. "You look to your universities to train your scientific personnel and to do your basic theoretical research. In the U.S.S.R. the really great scientific achievements do not develop within the walls of the universities but within the walls of the research institutes like this one."

The reality of the Soviet scientific achievements can scarcely be disputed. It is obvious not only in their space triumphs but in less spectacular fields such as surgery, oil drilling and oceanography. Judging from what I saw at Novosibirsk, there will be further achievements at the new Siberian science cities (the next such center will be at Irkutsk near the Mongolian frontier). Today the Kremlin is systematically developing all its science and education according to its current view of what Soviet society needs.

If the Russians have sacrificed butter for guns, they have sacrificed meat for education and research. Are we Americans making similar sacrifices?

The U.S. Government is indeed pouring massive amounts of money into the scientific programs at our universities and elsewhere. It is encouraging more applied research as part and parcel of the theoretical investigations to which our great scientists have been traditionally devoted. Our corporations, too, are intensifying projects to bridge the gap between theoretical and applied research. Some are building research laboratories near the campuses of our universities.

If the Soviets forge ahead of us in science it will not be because their highly coordinated system is necessarily better than our system. Prof. Robert Marshak, a University of Rochester physicist who has been appraising recent advances in Soviet science, believes the United States will continue to lead in pure and theoretical science for some time to come because our system is more ideally suited to such research. But he warns that we should expect the Russians—because of their greater stress on applied research, their expanding budgets and their ability to focus almost unlimited resources on selected problems—to make numerous short-range breakthroughs in applied science. A case in point is the Soviet lead in booster rockets for space capsules.

Shortly before leaving Novosibirsk I commented to Lavrentiev that the Soviet educational system was designed not for the individual but for the state. He did not disagree. As for myself, I told him I once had been the only young man in the United States to get 100 percent in the comprehensive college-entrance examinations in mathematics. Following my own inclinations, I have led a widely varied life as an advertising executive, a U.S. Senator, a top State Department official, a trustee of several universities and head of the Encyclopaedia Britannica. In the Soviet Union the Communist system would inevitably have directed me toward a career in science.

With the calm confidence of the new Soviet scientific elite, Lavrentiev said, "Perhaps you would have been better off in mathematics."

Like most other Americans I certainly want to go on deciding such questions for myself.

RESOLUTION ON IMMIGRATION BY UNITED ITALIAN AMERICAN LABOR COUNCIL, INC.

Mr. KEATING. Mr. President, on December 8, 1962, in New York City, the United Italian American Labor Council held its annual conference. There it adopted, among other resolutions, a resolution on national immigration policy, calling upon the Congress of the United States to enact permanent immigration legislation which will have as one of its main objectives the uniting of families. This is to be accomplished by allocating within an up-to-date and realistic quota a large percentage of visas to close relatives of American citizens.

Mr. President, in the 87th Congress, under bipartisan sponsorship in which I was privileged to join, a bill (S. 3043) was introduced to make several permanent changes in the Immigration and Nationality Act. The most important provision proposed to augment the annual number of quota visas, giving special consideration to unsettled political refugees and close relatives of American citizens. It was a source of disappointment to me that little progress was made in even considering this legislation. Instead, the 87th Congress contented itself with enacting piecemeal and stopgap measures which, although they had merit in themselves and were much needed, failed to come to grips with our overall objectives in immigration policy for the years ahead.

It is therefore my hope, Mr. President, that with the support of the administration, and the technical and informational assistance of all the private organizations that have labored so diligently in behalf of an enlightened immigration law, the 88th Congress will get down to the task of permanently revising the basic legislation. Many constructive suggestions were received as to how S.

3043 of the last Congress could be improved, and I have hopes that before long a revised bill incorporating several meritorious changes will be introduced.

At this time, Mr. President, I ask unanimous consent that the resolution on immigration adopted by the United Italian American Labor Council at its annual conference be printed at this point in the RECORD.

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

RESOLUTION ON IMMIGRATION

Whereas tens of thousands of citizens of low-quota countries such as Italy, members of alien families legally residing in the United States and members of families or close relatives of American citizens in the United States, have applied for admission to our country and their applications have been processed and approved; and

Whereas they have been registered, respectively, either under the third preference of the quota, for which visas are insufficient, or under the fourth preference of the quota, for which visas are unavailable, with the result that these applicants have to wait years and years before being permitted to join their dear ones in the United States; and

Whereas the U.S. Congress, sensitive to the urgent need of reuniting families and providing entry of close relatives of U.S. citizens, in 1961 enacted Public Law 87-301 and in 1962 Public Law 87-885 which provided a very partial solution of this problem; and

Whereas President Kennedy recognized this problem and urged its solution stating: "I believe that the most important immediate objective of immigration policy is the reuniting of families. There are many new citizens in America whose closest kin are in other lands waiting to join them. We have a social obligation to bring these families together, provided they are eligible under the law"; and

Whereas George Meany, president of the American Federation of Labor and Congress of Industrial Organizations, only a year ago stated that: "It is my belief that the number of quota immigrants admitted annually can be increased from the present quota of 165,000 to 250,000 without undermining employment opportunities for American workers. Every immigrant is a potential customer for the products of American workers and every employed immigrant a producer who contributes to our total wealth": Be it

Resolved by the 21st annual conference of the United Italian American Labor Council held on December 8, 1962, Hotel Commodore, New York City, That we call upon the administration and Congress to have enacted in its next session permanent measures providing for the admission of the aforementioned members and close relatives of families of American citizens, who live in countries which are members of the Atlantic Alliance and which, like Italy, have an ever increasing number of already approved applications under the third and fourth preference of the quota, but are still anxiously waiting for U.S. visas; and be it

Resolved, To commend the fruitful and tireless efforts made by the American Committee on Italian Migration in order to improve and humanize our immigration laws; and be it further

Resolved, That this resolution be sent to the President of the United States, to the leaders of the U.S. Congress, to the AFL-CIO, and to the press.

THE NEW YORK CITY NEWSPAPER STRIKE

Mr. JAVITS. Mr. President, the New York City newspapers have now been shut down by a strike for 39 days, and all too little has percolated through to the public on the subject, because the mere fact of the strike of the newspapers is itself self-defeating in that regard, in that the free media of public communication cannot be employed to communicate to the public what has occurred. It has been done on radio and television, and the radio and television stations have been excellent in that regard; but there still is nothing like the visual media of the press.

For that reason, I associate myself with the statement made by the Governor of the State of New York, Gov. Nelson A. Rockefeller; the mayor of the city of New York, Robert F. Wagner; and the U.S. Secretary of Labor, W. Willard Wirtz; who formed a Board of Public Accountability.

On January 6, 1963, the following statement was made by them:

A fundamental means of communication essential to democratic government has been disrupted. It has resulted in grave inconvenience and difficulties for the people and the economy of the city. There has been a serious impact on State and National affairs as well.

Efforts to achieve a settlement of this dispute by collective bargaining and mediation thus far have not been successful.

The public has the right to know why this intolerable situation continues. The public is entitled to know whether its interests are being given due account. If they are not, the public has the right to exercise further influence to resolve the present deadlock.

Pursuant to their appointment, the Board of Public Accountability now has reported, and this report recognizes most urgently that, by collective bargaining, in a coordinated manner, with all the unions concerned, the time has come to arrive at a settlement of the strike.

I ask unanimous consent that documents I have in connection therewith be made a part of my remarks in the RECORD.

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

JOINT STATEMENT BY SECRETARY OF LABOR W. WILLARD WIRTZ, NELSON A. ROCKEFELLER, AND MAYOR ROBERT F. WAGNER

The major New York City newspapers have now been shut down for a month.

A fundamental means of communication essential to democratic government has been disrupted. It has resulted in grave inconvenience and difficulties for the people and the economy of the city. There has been a serious impact on State and National affairs as well.

Efforts to achieve a settlement of this dispute by collective bargaining and mediation thus far have not been successful.

The public has the right to know why this intolerable situation continues. The public is entitled to know whether its interests are being given due account. If they are not, the public has the right to exercise further influence to resolve the present deadlock.

Ordinarily the press would function as one of the vital media by which the public would be informed of the nature and the course of the dispute, and would contribute to the development of a concensus and bring its influence to bear on the parties involved.

To assist in reaching and implementing such a concensus we are therefore establishing a Board of Public Accountability. We have asked these distinguished citizens to serve and they have agreed to undertake this important assignment: Hon. Harold R. Medina, judge of the U.S. Court of Appeals of the Second Circuit; Hon. Joseph O'Grady, judge of the Criminal Court of the City of New York, former member of New York City Transit Authority and former commissioner of labor, New York City; Hon. David W. Peck, former presiding justice of the Appellate Division of the Supreme Court of the State of New York of the Second Department.

We have asked the board to meet with all parties to the dispute, in public or in private sessions as the board may deem appropriate, and have suggested that these meetings be convened at the earliest possible moment.

Telegrams have been sent to representatives of all the newspaper publishers and unions involved, requesting their full cooperation with the board.

We have requested the board to make the fullest possible investigation of the facts of this dispute, of the positions of the parties, of the roadblocks to settlement, and of all matters relating to the questions of whether the parties are discharging their responsibilities to the public in their conduct of the negotiations.

The board will not propose terms of settlement or undertake mediation efforts, unless this is agreeable to the parties concerned. The board may, however, suggest whatever procedures might appear to be appropriate for working toward a settlement.

We are asking the board to make a public report to us, for such action as we may deem appropriate, by Friday, January 11, or earlier if possible.

W. WILLARD WIRTZ,
U.S. Secretary of Labor.
NELSON A. ROCKEFELLER,
Governor of the State of New York.
ROBERT F. WAGNER,
Mayor of the City of New York.

REPORT OF JUDGE HAROLD R. MEDINA, JUDGE JOSEPH E. O'GRADY, AND JUDGE DAVID W. PECK CONSTITUTING THE BOARD OF PUBLIC ACCOUNTABILITY

The undersigned members of the Board of Public Accountability, appointed by Secretary of Labor W. Willard Wirtz, Gov. Nelson A. Rockefeller, and Mayor Robert F. Wagner, to inquire into the shutdown of New York City newspapers and to investigate the facts of the dispute, the positions of the parties, the roadblocks to settlement and all matters relating to the question of whether the parties are discharging their responsibilities to the public in their conduct of the negotiations, report as follows:

The Board conducted hearings on January 7, 8, and 9, 1963. Representatives of the publishers of all seven of the major New York City newspapers and representatives of all of the unions involved in the dispute, except New York Typographical Union No. 6 (the printers' union), the mailers' union (like the printers a subordinate of the International Typographical Union) and the electricians union, whose contract does not expire until spring, attended and participated in the hearings and were fully cooperative in adducing the facts.

The president of the printers' union did not respond to the invitation of the board to attend the hearings, nor did he communicate with the board on the subject. We were advised, however, by his public pronouncement, that he would not attend any hearings or cooperate with the board until so authorized by the membership of the union. He stated that the membership could not be called for a meeting prior to Sunday, January 13, which would be 2 days after the date on which the board was required by the terms of its appointment to make its report. Some question was raised at the hearings as to whether a meeting of the membership of the union could not have been

called at an earlier date, but the board did not undertake to seek an answer to that question or to determine the fact. We think it is appropriate to state, however, that we can see no reason why approval by the membership of the union of the president's attending the hearings was required, or why the president of the union should think that it was required. By the explicit terms of the board's creation and assignment, the board was not to propose terms of settlement or undertake mediation efforts unless agreeable to the parties concerned, but was only to make a public report on the facts. Thus, by attending the hearings and cooperating in the Board's inquiry the union could not have been brought into any bargaining or mediating frame against its will, and its president would have participated only in an inquiry into and determination of the facts relating to the dispute and the conduct of the negotiations by the parties. We think it is evident that in not attending the hearings the union president failed in his public responsibility.

Through testimony given by representatives of the publishers, representatives of the unions and Mr. Stephen I. Schlossberg, the representative of the U.S. Mediation Service who has served as mediator in the dispute, there was a full development of the facts at the hearings before the board.

The unions involved in the dispute are the following: Newspaper and Mail Deliverers' Union of New York and vicinity; Local Union No. 3 International Brotherhood of Electrical Workers; International Association of Machinists, District No. 15; New York Mailers' Union No. 6; Paper Handlers' and Straighteners' Union No. 1; New York Photo-Engravers' Union No. 1; New York Newspaper Printing Pressmen's Union No. 2; New York Stereotypers' Union No. 1; New York Typographical Union No. 6; and Newspaper Guild of New York, Local No. 3.

The newspapers involved in the dispute are the following: Daily News, New York Mirror, New York Herald Tribune, the New York Times, Long Island Daily Press, Long Island Star-Journal, New York Journal-American, New York Post, and New York World-Telegram and the Sun.

The essential facts, which are undisputed, can be rather briefly stated:

For a period of 10 years the newspaper publishers have bargained jointly with the several unions separately, except that the publishers have bargained individually with the Newspaper Guild. The date of the contracts, made in even years for 2-year periods, has for many years been December 8 for all of the unions except the guild, whose contracts have been dated November 1. An incident of the dates has been that contract negotiations have been conducted and concluded with the guild prior to the negotiation and settlement of contract terms with the other unions. Customarily, therefore, the wage pattern and principal terms of the contracts with all the unions have been set by the contracts negotiated with the guild. This fact has been a source of irritation and even of frustration upon the part of the other unions, who finally made it clear at the time of the settlement of the terms of the contracts in 1960 that when it came to a negotiation of the contracts in 1962 the unions would insist upon a negotiation of all the contracts at one time and any contract negotiated with the guild alone would not be recognized as a pattern which the other unions could be expected to accept.

With due regard to this prospective change in the negotiating procedures for the contracts of November and December 1962, the parties undertook conversations relating to their contract arrangements as early as April 1962, several months in advance of the time when they were accustomed to meet to inaugurate contract conversations. The early meetings brought all the publishers (who have proceeded by unanimous agreement among themselves) and all the unions together for conversations at one time. This was a promising procedure which was fruitful to a considerable extent in the collective consideration of matters which were of common interest to all the unions. There was no agreement, however, that negotiations would be carried on to completion with the unions jointly, and it became the conclusion of the parties, after further joint meetings in May and August of 1962, that it was not feasible that year to conduct the negotiations fully on a joint basis, although it was understood that the unions would maintain close contact among themselves in the negotiations through a unity committee of the heads of the several unions.

Despite the promise in the early joint conversations, serious bargaining was not undertaken until October 1962, and that was primarily in respect to the guild contract, which would expire on October 31. A contract with the guild after a 1-week strike of the Daily News by that union was made by all the papers as of November 1, 1962. The improved benefits of the new contract to guild members came to a dollar value or cost to the publishers of $8.50 a man a week.

Negotiations were then undertaken by the publishers with the other unions, to whom the publishers offered benefits of the same value as those attained by the guild. In accordance with the declarations made 2 years before, the unions took the position that the guild settlement could not be regarded as binding upon them and they stated that it was not acceptable to them. Consequently, negotiations with respect to other possible benefits to the members of the other unions were undertaken, with the expectation that the benefits agreed upon with any union would correspondingly be made available to all, including the guild.

Negotiations proceeded in normal manner with all the unions respecting the many incidental terms of the contracts of some interest but not major importance. There were also questions of labor and cost saving raised by the publishers and regarded by them as being important which were the subject of discussion, and the question of importance to the unions of whether all the contracts, including the guild contract, would be given a common expiration date was discussed. The publishers were not resistant in principle to the idea of a common expiration date for all the contracts, but they wanted agreement on a framework of workable machinery to be used in consummating a single unitary negotiation and desired that the expiration date of all contracts be December 7, while the unions desired an October 31 date, which was the date of expiration of the guild contract.

Without minimizing the importance of any of the matters under discussion and unresolved at the time of the breakoff of negotiations, we think it is fair to state that none of them would have become a major obstacle in reaching contract terms and that they would have been resolved in connection with negotiations and an agreement on the money terms and benefits which would determine the total increased benefits and costs under the new contracts.

Unfortunately, despite all the early undertaking of preliminary negotiations and the progressive developments in the negotiations, the eve of contract expiration was reached before the parties settled down to offers and negotiations respecting the major benefits and costs in the terms of dollars.

Prior to this time there was an indication, probably not too seriously regarded by the publishers at the time, that a strike was likely and may have been the intention of at least the president of the printers' union. He stated to the members of that union that "only a long strike * * * will swing the pendulum so that we might obtain those things that belong to us" and "short strikes have not materially changed the publishers' position; * * * the union's members should be prepared for the possibility of a long struggle." Two weeks before the strike the president of this union spoke to newspaper reporters of the "certainty" that the strike would be of "extremely long duration" and that "the demise of one or more New York City newspapers" was possible. At the time of this last statement the president of the printers' union was in a position to carry out his strike threat as a strike vote had been taken by the union which authorized the president to call a strike without a further reference of proposed strike action back to the membership. This authority differed from past practice under which negotiations at times extended beyond the contract termination date, and a strike vote was taken only after the publishers' best offer was transmitted to the membership.

Agreement had been reached on many terms during negotiating sessions on December 6 and 7 (subject to final agreement), but it was not until 6:40 of the evening of December 7 that the publishers made a complete offer to the printers. That offer totaled in increased benefits and costs $9.20 per man per week. The printers, whose contract deadline was 2 o'clock in the coming morning, stated that it would be several hours before they could duly consider the matter and respond. They did not respond until 1:45 a.m., 15 minutes before their deadline.

In the meantime negotiations were conducted between the publishers and other unions, including the Deliverers Union, whose contract would expire at midnight. Terms acceptable to the executive committee of the negotiating committee of the Deliverers, involving increased benefits which would cost the publishers slightly more than $10 per man per week, were negotiated with the understanding that the executive committee would report to the full negotiating committee and that, pending the determination of the negotiating committee, there would be no strike by the Deliverers Union at the midnight expiration of their contract. Negotiations of contract terms thought to be acceptable to another union were also negotiated during that evening.

When the printers' representatives returned to conference with the publishers at 1:45 they stated their demands, declared to be negotiable, which came to an amount estimated by the publishers to cost $36 per man per week. This was a demand so shocking, both to the mediator and to the publishers, that the mediator, knowing that negotiations could not possibly be brought to a successful conclusion within the few minutes remaining before the 2 o'clock deadline, asked the printers to stop the clock in order that negotiations might continue without a strike. The printers' representatives refused this request and before more could be said the report came in that the printers had gone on strike and negotiations were ended.

All during the evening of December 7, while negotiations with the several unions were in progress, the unity committee of union heads remained in session, receiving, considering, and conferring about reports respecting the various negotiations. The unity committee had reached two agreements among themselves. One was that no union would agree upon a contract, the basic terms and total benefits of which were not acceptable to a majority of the unity committee. The other was that if any union in the circumstances should go on strike all the other unions would support the strike and suspend further negotiations.

The unity committee received the report of the executive committee of the negotiating committee of the Deliverers Union respecting the offer of increased benefits amounting to something over $10 per week to

the members of that union. The majority of the unity committee found the terms unacceptable, and the executive committee of the Deliverers was thereby required to report to their full negotiating committee that the terms which otherwise would have been recommended could not be accepted because a majority of the unity committee did not agree. This rejection by a majority of the unity committee of the terms offered to and presumably acceptable to the Deliverers came only shortly before the printers would resume their last-minute conversations with the publishers.

The printers' representatives returned to their meeting with the publishers without any discussion with the unity committee of an amount which would be sought or would be regarded as acceptable to the members of the unity committee, other than a determination that only slightly more than $10 would not be acceptable, and without any knowledge or discussion on the part of the members of the unity committee of the position which the printers' representatives would take or the procedure they would follow in conducting their negotiation with the publishers. Armed with the power, accorded them by the agreement of the members of the unity committee to support this printers' strike, of shutting down the newspapers by failing to reach an agreement with the publishers in a matter of minutes, the printers' representatives met with the publishers only for the few minutes remaining before their strike deadline and proposed terms which could not have been considered a basis for negotiation and which, with their refusal to stop the clock and conduct negotiations without a strike, inevitably meant that the papers would be shut down.

The consequence was that all the papers were shut down on December 8, and all contract negotiations were suspended.

In the 5 weeks following the strike, 15 negotiating sessions have been held between the printers and the publishers under the auspices of the Federal mediator, who has earnestly striven to bring the parties into negotiating range. All of those meetings can be summed up with the statement that neither party moved.

The publishers have stated that they were willing to make one more move but that there was no point in even intimating what that move might be until the printers had moved drastically and realistically down from a proposal which the publishers stated could not be taken seriously or regarded as a basis for negotiation. The Director of the Mediation Service, then presiding at the negotiating session, agreed with the publishers that the first move in further negotiations should be a move by the union into a realistic bargaining range. The printers' representatives have taken the position that they were not required and would not be well advised to make the first move and that the first move should be made by the publishers.

The facts which have been stated are the undisputed facts as disclosed by the testimony given by all the witnesses—publishers' representatives, union representatives, and the mediator alike. It remains only to draw certain conclusions which are equally clear.

First, the printers strike which occasioned the shutdown of all the newspapers was not a move of last resort to which the printers were driven after a full exploration of the possibility of settlement. It was a deliberate design formed by the printers' representatives as the opening gambit in negotiations. Undoubtedly the aim was to secure contract benefits markedly better than the benefits which could be expected in the normal course of bargaining and the course adopted was born of the conviction that negotiations to the desired end could not be effective and would not be worth undertaking until after a strike of long duration, which would probably put some papers out of business and bring the rest to their knees. The union demand for the new contract was in an amount which exceeded the total benefits gained under all the contracts for the past 10 years. The amount requested could not have been advanced with any thought that it would invite negotiation. Coming as it did at the last minute, with no time allowed for serious negotiation, it bespeaks an intention to shut down the papers and to postpone any negotiation until a time when the publishers would be forced to surrender under the economic pressure of threatened extinction.

This intention can now be found as having been clearly expressed by the union president in his statements prior to the strike to the effect that a long strike could be expected and might have the effect of bringing about the demise of one or more of the city's newspapers.

Under present-day conditions labor and management function together in areas of activity close to the nerve center of society. If there is a prolonged and complete paralysis in one or more of these areas the effect upon all the people is serious, and the damage to our institutions and to our way of life increases in geometric proportion as the number of simultaneous stoppages in critical areas of activity increases. The publishing of newspapers in the city of New York is one of these critical areas of activity. The harmful effect upon employment, not only in the newspaper industry but throughout our economy, the stores, large and small, the schools and churches, the theaters and other places of entertainment, the social and cultural life of the city, and upon practically every phase of life, as well as upon the dissemination of thought, the crystallizing of public opinion on matters of national as well as local interest, and the development of ideas, is truly incalculable. Freedom of the press is guaranteed to all by constitutional mandate in the Bill of Rights. Therefore, we think it self-evident that both labor and management owe to the public a duty to use every reasonable means to avoid a shutdown, and, should one occur, to bring it to an end as speedily as circumstances will permit. Deliberately to plan such a prolonged shutdown and to resort to the maneuvers appropriate for the consummation of such a plan, we hold to be a clear breach of this duty to the public, and a matter of grave consequence.

The second conclusion which must be reached is that the unity committee did not function in any way of developing a unified approach to the problem of bargaining or dealing with the publishers, or even of forming a judgment on the desirable or available terms or means of obtaining them. Wittingly or unwittingly, the unity committee was left in the position of giving the printers' representatives a blank check—the power to take strike action which would compel like action by all the other unions upon a refusal of the publishers to meet last-minute demands made by the printers, of which the other unions had no knowledge or indication.

Third, there has been a complete failure of the bargaining process in this matter from the moment that the printers stated their terms until the present time. Indeed, it must be said that there has been no real bargaining. A strike was called as a preliminary to bargaining; bargaining was intended to be postponed for a long period until the strike had taken its toll, and bargaining has not been resumed at any time up to the start of the hearings before the board.

We abstain from any comments upon the subject of what might be appropriate contract terms. There was no attempt at the hearings to develop the facts respecting the many considerations necessarily bearing upon questions of appropriate contract terms. We are satisfied, however, from all the facts adduced and the tentative agreements reached with some of the unions involved, that realistic and good faith bargaining could and would quickly result in contracts on terms within an area clearly indicated.

Whether the bargaining is with the unions jointly or separately, it should be conducted simultaneously in a coordinated manner with the participation of each union, toward reaching the common goal of fair contracts for all concerned. We would recommend, therefore, that the public officials to whom we now report undertake forthwith, through their agents, to bring the parties together within this bargaining frame and all the parties should respond in true good faith, bring the newspaper shutdown to an immediate end, concluding contracts which are sensible and equitable and which will restore the papers to the public and health to the newspaper industry.

Respectfully submitted.

Judge HAROLD R. MEDINA.
Judge JOSEPH E. O'GRADY.
Judge DAVID W. PECK.

SUPPLEMENTAL SEPARATE REPORT OF JUDGE JOSEPH E. O'GRADY

Because the normal collective bargaining and mediation techniques failed to bring the month-long strike in the vital New York City newspaper industry to a termination, Secretary of Labor Wirtz, Governor Rockefeller, and Mayor Wagner appointed on January 6, 1963, a three-man board of public responsibility to make the fullest possible investigation of (a) the facts of the dispute, (b) the positions of the parties, (c) the roadblocks to settlement, and (d) of all matters relating to the question of whether the parties are discharging their responsibilities to the public in their conduct of the negotiations.

The establishment of a board of citizens in the midst of a strike which had attracted wide public interest for the purpose of passing judgment upon whether or not the parties had discharged their moral responsibilities to the public was a novel technique.

While boards of public accountability have been recently discussed and to some degree advocated, as far as I know they have never before been used as part of labor-management dynamics in the settlement of a pending strike.

Undoubtedly the use of such a board in this situation was prompted by the frustration of all other attempts to bring to a peaceful conclusion an exasperating and serious strike affecting so many facets of our social and economic life in the Metropolitan New York City area as well as having a serious impact on State and National affairs.

One may justifiably speculate whether such a board would have been appointed if all the parties involved would have found it consistent with their labor-management policies to agree to either arbitration or fact-finding with recommendations (even though not binding) as a terminal point to the strike. This seems to be borne out by the statement appointing this board, in which it is stated, apparently in deference to the position of the parties, that—

"The board will not propose terms of settlement or undertake mediation efforts, unless this is agreeable to the parties concerned."

Still, it is clear to me that the appointing authorities were deeply concerned and, one might justifiably conclude, primarily concerned with bringing about a quick settlement, for immediately following the above quoted excerpt the appointing statement almost prayerfully states:

"The board may, however, suggest whatever procedures might appear to be appropriate for working toward a settlement."

The welfare of the employees and employers affected by the strike, as well as a deep concern for the public interest, must have been major considerations prompting the Secretary of Labor, the Governor, and the mayor to take this bold step.

Thus, I do not believe that the appointing authorities are looking for any scapegoat.

In any event, I do not feel that, industrious as we may have been in the relatively short period allotted to us to inquire into this complex matter prior to reporting, that I have anything like a sufficient record before me upon which to formulate a sound and responsible judgment on the profound question of what is the moral obligation or responsibility of an employer, employee or union leader engaged in a labor dispute or strike toward the public that might be affected thereby. Certainly none of the parties violated any legal responsibilities to the public.

However, this does not mean that parties to a labor dispute such as this should not take the public's interest into consideration before deciding upon a course of action which might have a serious impact upon the public. Nor does it mean that parties to such a dispute do not have moral obligations to the public.

But it does not necessarily follow that these obligations, whatever they may be, always outweigh in the mind of a union leader his obligations, in a given situation, to his members. The same applies to an employer's obligations to himself or his stockholders.

Furthermore, after listening and talking to the parties for 3 days I do not believe that blaming one or both parties for the strike contributes toward its settlement.

I do, however, wish to make some observations which I feel are pertinent to this matter.

This board was formed late Sunday (January 6) afternoon. It met early the next morning, Monday, and immediately sent requests to all parties to appear before it Tuesday morning. The printers union president, Bertram Powers, without even waiting to receive the formal request to appear, called a press conference and issued a statement stating in effect that he would not appear before the board unless his union membership authorized him to do so and that he couldn't call a meeting for that purpose until January 13, 2 days after the board was to file its report. To this day, he has not paid this board the courtesy of appearing before it, even specially, to explain why he felt he could not participate in its hearings. It is hard to believe that he did not have at least that much authority.

It is true that this board has no legal status and that therefore he could legally ignore it. But where the Governor of the State of New York, the mayor of the city of New York, and the Secretary of Labor of the United States of America, all dedicated public servants, acting in the public interest, create such a board in the fervent hope that it will aid in bringing about an early conclusion to an unfortunate strike affecting the public interest, as well as adversely affecting the parties themselves, the last one who could only be helped by such action could do would be to appear before it. Mr. Powers' failure to appear even for a limited purpose is inexcusable.

Another point which received considerable attention during the hearing was the statement attributed to Mr. Powers concerning the possible duration of any strike the union members might approve and the possible fatal effect it might have on one or more of the newspapers involved.

I am satisfied from the record that he so advised his members. Actually the record shows that he made similar statements in September 1961, shortly after they approved by a very close vote the settlement of the 1960–62 contract. The record indicates that he repeated this warning again in September 1962. Actually he was telling his members who had been expressing dissatisfaction with the prior pattern of settlements that if they wished to change the pattern they would have to be prepared for a long and costly strike. It was his duty to do this.

It has been suggested that these statements indicate Mr. Powers had no intention of arriving at a renewal agreement on December 8, but, on the contrary, was planning a long strike.

I find it difficult to believe that Mr. Powers would not have accepted a contract on December 8 if it contained substantial improvements over and above the $8.50 a week received by the guild. And I am not referring to the outlandish figure of about $36 a week which he put on the official bargaining table and which we are told is still his official asking price, for we all know of the off-the-record asking price of substantially less than even half that amount.

This leads to some observations about the collective bargaining positions of the parties. Simply stated, the newspaper publishers sought to maintain the pattern of bargaining carried on for some years and which had proven reasonably acceptable and successful to them.

Mr. Powers was determined to break that pattern because his members had become dissatisfied with the results of that pattern of bargaining.

I do not believe that I can find fault with either position and I have not even attempted a moral judgment of which one had the equities on its side.

It was inevitable that two such diametrically opposite positions, each supported by a strong protagonist, would result in a strike. To have prevented such a result, one side would have had to abandon its fundamental position. Neither did, and the result was a strike. How long the parties will continue to test their strength and positions, I do not know. However, I believe that both forces will have to give some ground before a settlement will be reached. I do not think that either is in the position of bringing the other to his knees.

It is as certain as death and taxes that this dispute will be settled without either side eating crow. This should be done now, the sooner the better.

Respectfully submitted.

Judge JOSEPH E. O'GRADY.

Mr. JAVITS. Mr. President, I associate myself with the statement of the public officials concerned with this intolerable situation, which is causing a serious loss not only to the city of New York, but indeed to the whole Nation, considering the nature of the newspapers, and is causing an intolerable loss, not only financially, but of public enlightment and public opinion.

I have tried to be in close touch with the situation. I am convinced the time has come to settle the strike. This is true with respect to both publishers and workers. I think they are very close together.

I think it is incumbent that the public know that at long last the strike must be settled. The lines are clearly indicated. There does not seem to be any adequate reason why it should not be done. It is the logical sequence to the action taken by our public officials, Judges Medina, O'Grady, and Peck, the three judges who form the Board of Public Accountability. In speaking today, I give my voice and my tongue to what the Board of Public Accountability has said.

In addition, Mr. President, I believe this should be a matter of public information. The law firm of which I am a member does legal work for one of the New York City newspapers. That is a matter of public record. It has nothing to do with the Federal Government or with any Federal matters.

I say that because I consider it to be connected with my statement calling for an end to the newspaper strike. I honestly believe that my duty as a public official requires it, and I have made my statement accordingly, coupled with this latter statement, which I believe should be a part of what I have said on this subject.

DAVID DEMAREST LLOYD

Mr. MONRONEY. Mr. President, while Congress was in adjournment, death came suddenly to one of President Truman's former assistants, David Demarest Lloyd, 51, of Alexandria, Va., and Washington.

He was a man whose remarkable career had included 18 years of diversified Government service which finally took him to the White House, where from 1948 to 1953 he was a member of the staff and administrative assistant to the President of the United States.

From 1953 until his death, he served as executive director of the Harry S. Truman Library, Inc., in addition to other work which included directing the Lasker Foundation's Research and Education Committee for a free world, and in the past year membership in the law firm of Morison, Murphy, Clapp & Abrams.

Gentle and scholarly in manner, David Lloyd was independent and sometimes controversial in his thinking. From his pen came not only fiction that was stirring and entertaining, but a religious play and a widely discussed work of nonfiction on Government spending, in addition to a variety of magazine articles on many subjects.

Early in his career, Mr. Lloyd served the Senate as assistant chief counsel of the La Follette-Thomas subcommittee of the Senate Labor Committee. He subsequently worked in government, usually as a lawyer, for the Federal Communications Commission, the Office of Price Administration, the Adlai Stevenson special mission to Italy, the Foreign Economic Administration, and UNRRA. In 1947, he was with Americans for Democratic Action, and in 1948, on the staff of the Democratic National Committee before going to the White House.

He is survived by his wife, Charlotte Tuttle Lloyd, and two children, Andrew Mathews Lloyd and Louisa Tucker Lloyd, of Alexandria.

Mr. President, I ask unanimous consent to insert in the RECORD a more detailed biography of Mr. Lloyd.

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

David Demarest Lloyd, writer, lawyer, and former administrative assistant to former President Harry S. Truman, was the son of the New York literary agent, David Lloyd, and Eliza Mathews Lloyd, and grandson of David Demarest Lloyd, noted playwright of the last century. Although born

in New York City, he was brought up in rural New Jersey where, for several years, he attended a one-room school, which was occasionally taught by his mother. After being graduated from the high school in Plainfield, N.J., in 1927, he went to Harvard, where he was graduated summa cum laude (history and literature). Granted the Lady Julia Henry Fellow, he attended Cambridge University in Cambridge, England, in 1931–32, following which he returned to Harvard Law School, obtaining his LL.B. degree in 1935.

Mr. Lloyd entered Government service in the Legal Division of the Resettlement Administration in the fall of 1935.

In 1948, Mr. Lloyd joined the staff of President Harry S. Truman in the White House. In the following year he became administrative assistant to President Truman and remained in that capacity throughout the remainder of President Truman's administration. Mr. Lloyd was not only an assistant to President Truman, he was a close friend and adviser and remained so throughout all the subsequent years. When President Truman left the White House, Mr. Lloyd became executive director of the Harry S. Truman Library Corp. and was the key figure in the establishment, organization and financing of the Truman Library in Independence, Mo. In 1957 he became vice president of the Harry S. Truman Library Institute. The week before his death, Mr. Lloyd had flown out to Independence where he had spent 2 days with Mr. Truman discussing matters relating to the Truman Library and the Library Institute.

In 1958, Mr. Lloyd established and became the director of the Research and Education Committee for a Free World, which was an arm of the Albert and Mary Lasker Foundation. For the past 4 years the research and education committee has been engaged, under Mr. Lloyd's direction, in research and publication on a wide variety of national and international problems, such as the Federal budget, desalinization of water, population control, international economic and social development, aid to education, etc.

In 1961, Mr. Lloyd joined the Washington law firm of Morison, Murphy, Clapp & Abrams; nevertheless, he continued simultaneously to direct the work of the Research and Education Committee and also to direct the activities of the National Conference on International Economic and Social Development, of which he had been chairman since 1959. In the latter capacity, Mr. Lloyd organized many national meetings, including one in Chicago in July of 1962 on the "Alliance for Progress."

Mr. Lloyd was an extraordinarily versatile man and there were very few individuals, even among his closest friends, who were aware of the wide range of his activities.

Even while carrying on full time professional work—and more than full time—he managed to write and publish two successful novels, "Son and Stranger" appearing in 1950, and "The Sirens Let Him Go" in 1960. In addition, he wrote a comprehensive analysis of the Federal budget which was published in 1960 under the title of "Spend and Survive: The Intelligent Citizen's Guide to Spending." Also, he published a wide variety of articles for leading periodicals.

Mr. Lloyd was also an amateur painter of more than ordinary competence. Painting with him, however, was only a hobby. Mr. Lloyd was deeply concerned about the role of Christianity in modern society. In 1947, he and Mrs. Lloyd and five other couples established an organizing committee which during the succeeding 15 years has organized annual lecture series on "Christianity and Modern Man." The lectures have usually been held at the Washington Cathedral. Mr. Lloyd was one of the most active members of this committee and was continuously involved in its activities.

Last October, Mr. Lloyd was appointed chairman of the Commission on Church-State Relations of the National Council of the Protestant Episcopal Church in the United States and was currently engaged in helping to organize the work of the commission.

Mr. Lloyd was also a member of the board of trustees of the Salk Institute and at the time of his death was actively concerned in helping to plan the activities of the Salk Institute Building Fund.

His magazine articles had included: "Has Rationing Worked?" the Survey-Graphic, November 1943; "Presidential Papers and How They Grew," the Reporter, February 2, 1954; "The Harry S. Truman Library," the American Archivist, April 1955; "Presidential Papers and Presidential Libraries," manuscripts (Journal of the Manuscript Society), fall issue 1955; "The Care and Keeping of the Great Alliance," the Reporter, December 27, 1956; "George Kennan on the Russian Revolution," the Reporter, April 18, 1957; "A Proposal for a Preaching Brotherhood," Christianity and Crisis, April 13, 1949; "The Christianity and Modern Man Lectures," Christianity and Society, spring issue 1955.

THE THREAT FROM CUBA

Mrs. SMITH. Mr. President, I have received a communication from a group of women in Hawaii expressing concern about a continuation of a threat from Cuba and requesting that the Senate Committee on Armed Services investigate the matter.

I have forwarded the letter on to the chairman of the committee for his consideration.

I ask unanimous consent that the letter, together with the signatures, be placed in the body of the RECORD at this point.

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

HONOLULU, HAWAII,
January 11, 1963.

Hon. MARGARET C. SMITH,
Senator from Maine, Member, Senate Committee on Armed Services, Senate Office Building, Washington, D.C.

MY DEAR SENATOR: We are writing to you because we, as citizens of Hawaii, have no direct representative on the Committee on Armed Services, and because we have such high regard for your wisdom and integrity.

The press, on January 8, carried the news that the Cuban crisis has now been officially terminated by the filing with the United Nations of an agreement between our Government and Russia. The agreement does not permit ground inspection of Cuba to prove removal of all offensive weapons. On the other hand, we do not guarantee that there will be no invasion of Cuba.

The White House stated several times during the weeks following October 22, that on-site inspections in Cuba were essential to the security of the United States. There is nothing in the record of Communist behavior, philosophy, or tactics to refute the soundness of this statement. Then why are we giving up that which is necessary to our security? And why are we demobilizing our invasion forces thereby rendering incredible the threat that we might invade to assure our security? Is not the result to present Khrushchev with a privileged sanctuary in the Western Hemisphere for infiltration and subversion of all Latin America?

When we had within our grasp the removal of the threat of Communist Cuba, why have we ended in this futile and dangerous compromise? May we request that the Senate, through its appropriate committees, investigate the handling of the Cuban crisis, the failure of action until we were literally looking down the throats of intermediate range missiles, the failure to demand and secure the removal of submarine bases and the cessation of further construction thereof, the failure to obtain the withdrawal of all Russian and Chinese personnel and "technicians," and the failure to obtain ground inspection of Cuba.

It is essential that the Senate ascertain the source of our weakness. Is it in the CIA? Is it in the State Department? Is it in the group of White House advisers? Is it our representation in the U.N.? Can it be that our security is being jeopardized by the political and ideological interpretation of military data and/or by an unwillingness to accept the fact of Communist determination to rule the world, whether through war or peaceful coexistence?

The people of this country should know the truth and can look only to their elected representatives in the Senate to investigate thoroughly, analyze fairly, exonerate those mistakenly accused, and effectuate a change where changes are vital to the security of the United States.

In the meanwhile we strongly urge the institution of a Cuban quarantine or blockade against all military equipment. Time magazine of January 11, 1963, states, "Though the Russians have removed their bombers and nuclear rockets, they are apparently still pumping 'defensive' arms into Castro's island fortress. A new estimate * * * [includes]: More than 100 Mig jet fighters, including 39 supersonic, late-model Mig 21's. At the time of the Cuban crisis in October, Castro had only two or three Mig 21's." A competent authority advises us that these Migs can carry nuclear bombs to strategic eastern coastal areas. The line between offensive and defensive weapons is nonexistent.

We urge your thoughtful consideration of these requests.

Respectfully yours,

Maybelle B. McCleery, Henriette G. Rutsch, Jill Willes, Aileen R. Soule, Julia W. D. Tulles, Anna Walthen, Helen A. Manger, Millicent Carson, Tahmi M. Humpert, Irene Y. Trethewey, Flora Brodeur, Charlotte H. Spiegelberg, Dorothy R. Beet, Ruby W. Wolmann, Joyce Secondine, Elaine R. Kellerman, Louise Billingham, Polly B. Whittier, France Lindsay, Dora L. Beyer, Blanche Fires, Elizabeth D. Chamberlain, Margaret Grimshaw, Alice Sumpich, Waili Yardley, Frances Dillingham, Katie S. Wysard, Jackie Castle, Mildred Ault, Muriel C. Damon, May R. Danford.

GEORGE B. HARTZOG, JR., ASSOCIATE DIRECTOR, NATIONAL PARK SERVICE

Mr. LONG of Missouri. Mr. President, Secretary of the Interior Stewart Udall has today appointed George B. Hartzog, Jr., of Crestwood, Mo., to be Associate Director of the National Park Service to succeed Eivind T. Scoyen.

Through this action, Secretary Udall has brought back into the Federal service a man whose talent, ability, and sense of public responsibility and duty were clearly demonstrated during his 16-year career in the National Park Service from 1946 to 1962.

Mr. Hartzog's career has been marked by achievements and honors far too numerous to list in detail here. But I would like to mention the great con-

tributions he has made to my State of Missouri. As Superintendent of the Jefferson National Expansion Memorial in St. Louis, he successfully negotiated the largest single contract ever undertaken by the National Park Service, which led to start of the construction of the beautiful Gateway Arch and Visitor Center, which will commemorate the westward expansion of our Nation that moved through this great city—the Gateway to the West.

He was a 1956 recipient of a William A. Jump Memorial Foundation meritorious award certificate for exemplary achievement in public administration. In 1957 he was awarded a scholarship by the American Management Association to attend an association management course in New York City—one of eight Federal executives so honored that year. And in recognition of his long and outstanding service to the Department of the Interior, he was chosen in 1962 for the Department's Distinguished Service Award.

While his management responsibilities at the Jefferson National Expansion Memorial in St. Louis were most demanding, he nevertheless found the time and energy to lend valuable assistance on several Park Service activities in Missouri. He has been especially helpful and active with regard to the proposed Ozark National Rivers area in the southeastern part of my State. My senior colleague from Missouri, Senator SYMINGTON, and I introduced in the Senate yesterday a bill to preserve this rivers area.

Since leaving the National Park Service last August, Mr. Hartzog has served as executive director of Downtown St. Louis, Inc., where his record has been a further testimonial to his capabilities.

Secretary Udall is to be commended for the excellent choice he has made. In Mr. Hartzog, he has selected a man with the proven ability to accept responsibility, and discharge it with distinction.

CLASSROOM SHORTAGE

Mr. GOLDWATER. Mr. President, on January 9, 1963, the Office of Education of the Department of Health, Education, and Welfare released its annual survey on the number of pupils, classrooms, and teachers for the school year 1962–63 in the Nation's public elementary and secondary schools.

The most interesting statistic contained in this survey asserts that there is a current shortage of 121,200 classrooms as compared to a shortage of 127,300 classrooms at the beginning of the fall term in 1961, a reduction in the classroom shortage of 6,100 for the year.

This drop in the classroom shortage of 6,100 becomes very puzzling in view of the fact that the Office of Education survey shows that during the preceding 12 months, 72,000 classrooms were constructed. Instead of reducing the backlog to 55,300—127,300 to 72,000—this near record rate of construction succeeded in cutting the deficit only by 6,100 to the current claimed shortage of 121,200.

For the past several years, I have studied very closely these annual surveys published by the Office of Education and I have come to one conclusion: The Office of Education will not allow the alleged classroom shortage to be overcome; no matter how many classrooms are being built—even at record rates—the Office of Education will never let this fact interfere with its classroom shortage.

I would like to cite some figures from the annual surveys of the Office of Education to illustrate my point. In the fall of 1959, the classroom shortage was stated to be 132,400 and during the year 62,700 classrooms were scheduled to be constructed—69,700 were actually completed, putting up another Office of Education practice, always underestimating the number of classrooms to be built, but never underestimating the classroom shortage. Instead of reducing the backlog to 62,700—132,400 to 69,700—the shortage, as reported by the Office of Education for fall 1960, believe it or not, increased to 142,160.

Undaunted by this adverse effect on the classroom shortage, the local school districts constructed a record high of 72,200 classrooms for the year 1960-61. But even this alltime high failed to make much of a dent in the impenetrable armor of the classroom shortage manufactured by the Office of Education, for in the fall of 1961, the Office of Education reported that the record high number of 72,200 classrooms constructed succeeded only in reducing the shortage by 15,300.

During the year 1961–62, a near record of 72,000 classrooms were constructed, almost 10,000 more than the Office of Education had reported would be completed. Yet once again, this tremendous construction activity on the part of the local school boards failed to make much impression on the Office of Education's shortage statistics. The January 9, 1963, survey places the classroom shortage at 121,200, only a 6,100 drop over the preceding year.

In submitting his educational recommendations to the Congress at the beginning of the 87th Congress, President Kennedy declared:

> In order to meet current needs and accommodate increasing enrollment, if every child is to have the opportunity of a full-day education in an adequate classroom, a total of 600,000 classrooms must be constructed during the next 10 years.

Thus the President is recommending an average of 60,000 classrooms a year to be constructed to wipe out the classroom shortage over the next 10 years. Had the President's request been in effect during the past 3 years, the classroom shortage today would not be 121,200; it would be 155,100 because during this same period, without Federal assistance, the local school districts constructed 33,900 more classrooms than the President has declared are necessary to solve the backlog problem. Since the States and local school districts for the past 6 years have been building classrooms at a rate of over 70,000 a year, it is obvious that a complete acceptance of the President's recommendation of constructing 60,000 classrooms a year would actually lead to a sizable reduction in classroom construction.

The proverbial cat with nine lives has nothing on the classroom shortage. Year after year, an onslaught of new construction punishes, pummels, flays, and flogs the shortage, but after lying prostrate for a while groveling in the dust, its creator, the Office of Education, gives it a new transfusion of statistics to permit it to enter the fray once again.

CORREGIDOR MEMORIAL

Mr. McGEE. Mr. President, I have recently returned from an inspection trip of many of our installations and activities in the Far East. Accompanying me on this trip were the senior Senator from Idaho [Mr. CHURCH] and the junior Senator from Utah [Mr. MOSS]. The facts we assembled on that inspection cover a wide variety of activities indicative of the many-faceted job of our various military and development programs overseas.

While in the Philippines we made a visit to the island of Corregidor. I need not remind the Members of this body of the significance of that island. During the dark months of early 1942, when our smug world came crashing down around our ears and nothing seemed able to stem the enemy's advance, the resistance of this island served to fuel our determination to carry on. On this rocky isle courage was commonplace, and devotion to duty was reflex action. The brave men there, American and Philippine, endured and by so doing gave those at home a standard of heroism for the continuation of the war to ultimate victory. And when at last the island fell to overwhelming odds it was with the pride of a job well done that its defenders marched to an even more horrible experience.

Mr. President, when we visited that island we were dismayed to find it overgrown with vegetation, quite literally reconquered by the jungle, and generally in a state of disrepair, with many of the historic tunnels and buildings inaccessible to visitors due to abject neglect of surrounding grounds.

If ever there was a spot and an event that symbolizes the joint efforts of the American forces and the Philippine people to resist aggression and to pledge all for the preservation of freedom and self-determination, Corregidor is that place.

This Nation has a unique opportunity to join with our Philippine friends to construct a suitable memorial to those men and that spot that will signify our united devotion to those brave men and the ideas they fought to protect.

Mr. President, this Congress has in previous sessions authorized a Commission to meet with a similar group from the Philippines to discuss and plan such a memorial. The Commission has been active in the past and has prepared much of the groundwork for this project. However, at the moment there is little activity in this field. I would like to propose that we rejuvenate that Commission and that work proceed as rapidly as possible toward the actual construction of a memorial and the rejuvenation of that historic island battlefield.

The action establishing the Memorial Commission also provided for the spending of Federal funds for it. There could be no more worthwhile cause for the expenditure of Federal funds than this memorial, but I believe that we should explore more fully the possibility of raising either part or all of the necessary funds through public subscription. There should be many people in both nations who would want to participate in a memorial to the heros they remember so well.

Mr. President, this Nation has a long and remarkable history of men who rose to heroic heights in defense of liberty and their homes and families. A similar history exists in the Philippines. I hope that we here can lend our efforts to the cause of providing that heroism and that devotion to duty and country with a suitable memorial.

TAX POLICY

Mr. HUMPHREY. Mr. President, as President Kennedy forcefully indicated in his state of the Union message yesterday, tax reduction and tax reform will be a matter of highest priority in the 88th Congress.

I intend to make a detailed statement on this subject within a few days. I am sure many Senators will have a great deal to say in the months ahead.

Today I wish to introduce in the RECORD a statement on tax policy I released from my office in December. While more of the details of the President's program are now known, I believe this general statement still sets forth the basic guidelines I feel should be followed in any comprehensive attempt to overhaul our tax laws.

Mr. President, I ask unanimous consent that my recent policy statement on taxes be printed in the RECORD at this point.

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

HUMPHREY URGES PROMPT TAX CUT BY 88TH CONGRESS

Last summer I urged an immediate and substantial reduction in personal and corporate income taxes. At that time I advocated such a tax cut not out of fear of an imminent business decline or recession but out of deep conviction that the United States could not be satisfied with an average economy when an excellent economy was obtainable. Today I reaffirm this statement.

The Federal Government has the statutory responsibility to use all practicable means to promote maximum employment, production, and purchasing power. The Employment Act of 1946 clearly establishes this responsibility in its declaration of policy. Congress established this policy; Congress should take the lead in implementing it.

When I first made this proposal last summer I stood almost alone. Today many others have adopted this position, ranging from the U.S. Chamber of Commerce to the AFL–CIO. While disagreement remains over specific proposals, I believe the wide support for a substantial tax cut is an impressive demonstration of a growing national consensus. This consensus should not be ignored.

It is vitally important for our economy not only to cut taxes, but to get the right kind of tax cut, at the right time, and in a sufficient amount to have a beneficial long-run impact. We should seek a tax structure that will support maximum employment, production, and purchasing power through a sustained rate of economic growth at levels considerably above those of the past decade. This objective was established by the Employment Act of 1946. It is no less real in 1963.

The existing tax structure, established to finance World War II, has been the major drag on this country's rate of economic expansion. Over the past decade the actual annual growth rate of the American economy has averaged only 2.7 percent. This should be contrasted with the estimated 4.1 percent required during this period to maintain maximum utilization of manpower and other productive resources. Two principal results of this lagging growth rate have been: persistent high levels of unemployment and substantial underutilization of productive facilities. Moreover, at present tax rates the Federal budget would balance far below the levels of maximum employment and production.

The Labor Department just announced that the November unemployment rate rose to 5.8 percent. This is indeed unfortunate. We cannot be satisfied until unemployment falls to a maximum of 4 percent, and we should then strive to keep unemployment below the 4-percent level as frequently as possible. By the second quarter of 1962 industrial production was also running at an annual rate of 12 percent below maximum production.

Every American has lost substantial income and opportunity during this decade of economic stagnation. While we cannot recapture what is already lost, we can act decisively to insure that the economic future of every American will grow progressively brighter. While a tax reduction, by itself, will not accomplish this goal, it is—under the present economic circumstances—the most sensible and productive first step that can be taken. Therefore, I strongly urge that the 88th Congress take prompt action to provide for a personal and corporate tax reduction of $8 to $10 billion.

It is essential that Congress approve a tax cut of sufficient proportions to provide the forward economic thrust that is needed. It would be a tragic mistake to discredit the machinery of fiscal controls through an insufficient cut that could have only marginal impact.

How can this tax reduction best achieve the higher level of sustained economic growth so essential to every American? In my opinion the single most important objective should be to increase the amount of disposable income available to the average American family—the money we find in our pay envelopes.

A substantial rise in private consumption would provide the most effective trigger for expanded long-term economic growth. Private consumers spend from 92 to 94 percent of their disposable income, and as their incomes are increased, a very high proportion will be spent promptly for consumer items. As this additional take-home pay is spent, these dollars are promptly respent and reinvested by others. Economists calculate that every dollar of tax saving that is spent or invested will eventually multiply 2½ to 3 times. In other words, a tax cut of $8 to $10 billion has the potential of increasing our gross national product by $24 to $30 billion as this money finds its way into active circulation.

Therefore, I believe that reduction of personal tax rates—with greater impact on middle and lower incomes is clearly indicated. At these levels disposable income is almost completely utilized. Here lies the greatest potential to increase consumer demand and thereby close the existing gap between capacity and spending. I find little evidence to indicate that this gap will close without affirmative fiscal action by the Federal Government.

This does not mean that revisions are not also needed in the higher brackets. I do believe that relief should be afforded here. A tax rate of 91 percent is utterly ridiculous and must be adjusted. But in terms of accelerating our rate of economic growth, reducing unemployment, and putting our idle plants and machines to work, I am persuaded that a substantial increase in private consumption must first occur. I look to a reduction in the middle and lower income brackets as the most effective way to achieve this objective. Under the existing situation of unemployment and undercapacity industrial operations, I am confident that the basic price stability of the past 4 years would not be seriously threatened.

While the first priority in a tax cut should be the expansion of private consumption, the next priority concerns the need for increased capital investment in the business and industry through a reduction of corporate tax rates. The Kennedy administration and the Congress have already taken two important steps to encourage higher levels of investment: the 7 percent investment tax credit provisions contained in the Revenue Act of 1962 and the revised depreciation schedules announced by the Treasury Department last summer. Recent reports indicate that both these actions have had a definite effect on stimulating increased capital investment in plants and equipment.

A sensible reduction of corporate taxes will provide further stimulus. Obsolete equipment must be replaced. Plants must be modernized. Additional business incentives must be created. The total industrial capacity of the Nation must be expanded to absorb the anticipated higher levels of private expenditures.

Obviously the short-run result of this tax reduction will be larger Federal deficits for probably 2 more years. This will represent the price for decades of economic expansion, but a balanced Federal budget under conditions of maximum employment and production is entirely feasible. In past fiscal years, 1956–57, for example, we have run a budget surplus even though the ratio of total Federal outlays to total national production was higher than at present.

Finally, there is the problem of whether extensive tax reforms should be tied directly to tax reduction legislation. Certainly no one familiar with existing tax loopholes can deny the desirability for substantial reform and a general broadening of the tax base. Simple equity demands it, not to mention the need to recoup Government revenue lost through lower tax rates. However, the last session of Congress certainly demonstrated the massive political difficulties associated with any proposals for extensive tax reform. I believe it would be an economic mistake to postpone indefinitely the necessary tax rate reductions due to endless haggling over tax reforms.

In this respect, the problem of timing a tax reduction to gain maximum impact is vital. Much of the impact generated by a tax cut is dissipated if the economy is already in a depressed state when the cut occurs. As I stated last July, "To take maximum advantage of a tax cut, the time to make it is before the economy falters, and not after." I believe the recent economic indicators show the economy has not faltered. We are not currently in a recession. Prompt action by the 88th Congress will still provide this maximum impact.

Whether this question of accurate timing means that tax reform should be entirely separated from tax reduction, or that reduction should occur in two stages, is difficult to say at this time.

While I have only sketched the broad outlines of the features I believe should be incorporated in any tax proposal, I believe that such an outline is economically sound. I be-

lieve it contains the seeds of economic growth that can lead every segment of the American economy to new levels of full employment, production, and purchasing power. We can no longer postpone the difficult and arduous task of rewriting our tax laws.

I noted last spring and summer that "the time for a tax cut is now." The sluggish economic activity of the past 6 months indicates that this analysis was correct. The message is more urgent today and it will become increasingly urgent with every passing month.

Mr. HUMPHREY. Mr. President, President Kennedy delivered an important statement on taxes before the Economics Club in New York in December. If my fellow Senators have not read the complete transcript of this statement, together with the question and answer session that followed the formal speech, I recommend that they study it with some care. Therefore, Mr. President, I ask unanimous consent that President Kennedy's speech before the Economics Club be printed in the RECORD at this point.

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

TEXT OF PRESIDENT'S DECEMBER 14 SPEECH ON THE ECONOMY AND TAXES

(Following is the complete text of President Kennedy's speech before the Economic Club of New York December 14, followed by a transcript of the question-answer period.)

General Royale, Mr. Trippe, Mr. Rockefeller, General Clay, gentlemen, I feel tonight somewhat like I felt when I addressed in 1960 the Houston Ministerial Conference on the separation of church and state. But I am glad to have a chance to talk to you tonight about the advantages of the free enterprise system.

Less than a month ago this Nation reminded the world that it possessed both the will and the weapons to meet any threat to the security of freemen. The gains we have made will not be given up, and the course that we have pursued will not be abandoned. But in the long run, that security will not be determined by military or diplomatic moves alone. It will be affected by the decisions of finance ministers as well as by decisions of Secretaries of State and Secretaries of Defense; by the deployment of fiscal and monetary weapons as well as by military weapons, and above all by the strength of this Nation's economy, as well as by the strength of our defenses.

ECONOMIC GROWTH

You will recall that Chairman Khrushchev has said that he believed that the hinge of world history would begin to move when the Soviet Union outproduced the United States. Therefore, the subject to which we address ourselves tonight concerns not merely our own well-being, but also very vitally the defense of the free world. America's rise to world leadership in the century since the Civil War has reflected more than anything else our unprecedented economic growth. Interrupted during the decade of the thirties, the vigorous expansion of our economy was resumed in 1940, and continued for more than 15 years thereafter. It demonstrated for all these the power of freedom and the efficiency of free institutions. The economic health of this Nation has been and is now fundamentally sound.

But a leading nation, a nation upon which all depend not only in this country but around the world, cannot afford to be satisfied to look back or to pause. On our strength and growth depends the strength of others, the spread of free world trade and unity, and continued confidence in our leadership and our currency. The underdeveloped countries are dependent upon us for the sale of their primary commodities and for aid to their struggling economies. In short, a growing and prosperous America is important not only to Americans—it is as the spokesman for 20 Western nations in the Organization for Economic Cooperation and Development, as he stressed this week, of vital importance to the whole Western World.

In the last 2 years, we have made significant strides. Our gross national product has risen 11 percent, while inflation has been arrested. Employment has increased by 1.3 million. Profits, personal income, living standards all are now setting records. Most of the economic indicators for this quarter are up and the prospects are for further expansion in the next quarter. But we must look beyond the next quarter or the last quarter, or even the last 2 years. For we can and must do better than we have been doing for the last 5½ years.

This economy is capable of producing without strain $30 to $40 billion more than we are producing today. Business earnings could be $7 to $8 billion higher than they are today. Utilization of existing plant and equipment could be much higher and, if it were, development would rise. We need not accept an unemployment rate of 5 percent or more such as we have had for 60 of the last 61 months. There is no need for us to be satisfied with a rate of growth that keeps good men out of work and good capacity out of use.

UNEMPLOYMENT, DEPRESSED AREAS

The Economic Club of New York is of course familiar with those problems. For in this State the rate of insured unemployment has been persistently higher than the national average, and the increases in personal income and employment have been slower here than the Nation as a whole. You have seen the tragedy of chronically depressed areas upstate, unemployed young people, and I think this might be one of our most serious national problems, unemployed young people, those in their twenties, 1 out of 4 unemployed, particularly those of the minority groups, roaming the streets of New York and our other great cities, and others on relief at an early age, with the prospects that in this decade we will have between 7 and 8 million school dropouts coming in the labor market.

This Nation's economy can and must do even better than it has done in the last 5 years. Our choice, therefore, boils down to one of doing nothing and thereby risking a widening gap between our actual and potential growth in output, profits, and employment, or taking action at the Federal level, to raise our entire economy to a new and higher level of business activity.

If we do not take action, those who have the most reason to be dissatisfied with our present rate of growth will be tempted to seek shortsighted and narrow solutions to resist automation, to reduce the workweek to 35 hours, or even lower, to shut out imports or to raise prices in a vain effort to obtain full capacity profits on undercapacity operations. But these are all self-defeating expedients which can only restrict the economy, not expand it.

WAYS TO IMPROVE

There are a number of ways by which the Federal Government can meet its responsibilities to aid economic growth. We can and must improve American education and technical training. We can and must expand civilian research and technology. One of the great bottlenecks for this country's economic growth in this decade will be the shortage of doctorates in mathematics, engineering, and physics. A serious shortage with great demand and undersupply of highly trained manpower. We can and must step up the development of our natural resources.

But the most direct and significant kind of Federal action aiding economic growth is to make possible an increase in private consumption and investment demand—to cut the fetters which hold back private spending. In the past, this could be done in part by the increased use of credit and monetary tools—but our balance-of-payments situation today places limits on our use of those tools for expansion. It could also be done by increasing Federal expenditures more rapidly than necessary—but such a course would soon demoralize both the Government and our economy. If Government is to retain the confidence of the people, it must not spend more than can be justified on grounds of national need or spent with maximum efficiency and I shall say more on that in a moment.

TAX CUT, TAXATION REFORMS

The final and best means of strengthening demand among consumers and business is to reduce the burden on private income and the deterrents to private initiative which are imposed by our present tax system—and this administration pledged itself last summer to an across-the-board, top-to-bottom cut in personal and corporate income taxes to be enacted and become effective in 1963.

I am not talking about a "quickie" or temporary tax cut, which would be more appropriate if a recession were imminent. Nor am I talking about giving the economy a mere shot in the arm, to ease some temporary complaint. I am talking about the accumulated evidence of the last 5 years that our present tax system, developed as it was, in good part, during World War II to restrain growth, exerts too heavy a drag on growth in peacetime—that it siphons out of the private economy too large a share of personal and business purchasing power—that it reduces the financial incentives for personal effort, investment, and risk taking.

In short, to increase demand and lift the economy, the Federal Government's most useful role is not to rush into a program of excessive increases in public expenditures, but to expand the incentives and opportunities for private expenditures.

Under these circumstances, any new tax legislation—and you can understand that under the comity which exists in the U.S. Constitution whereby the Ways and Means Committee of the House of Representatives has the responsibility of initiating this legislation, that the details of any proposal should wait on the meeting of the Congress in January. But you can understand that under these circumstances, in general, that any new tax legislation enacted next year should meet the following three tests:

First, it should reduce net taxes by a sufficiently early date and a sufficiently large amount to do the job required. Early action could give us extra leverage, added results, and important insurance against recession. Too large a tax cut, of course, could result in inflation and insufficient future revenues—but the greater danger is a tax cut too little or too late to be effective.

Second, the new tax bill must increase private consumption as well as investment. Consumers are still spending between 92 percent to 94 percent of their after-tax income, as they have every year since 1950. But that after-tax income could and should be greater, providing stronger markets for the products of American industry. When consumers purchase more goods, plants use more of their capacity, men are hired instead of laid off, investment increases, and profits are high.

Corporate tax rates must also be cut to increase incentives and the availability of investment capital. The Government has already taken major steps this year to reduce business tax liability and to stimulate the

modernization, replacement, and expansion of our productive plant and equipment. We have done this through the 1962 investment tax credit and through the liberalization of depreciation allowances—two essential parts of our first step in tax revision which amounted to a 10-percent reduction in corporate income taxes worth some $2.5 billion. Now we need to increase consumer demand to make these measures fully effective—demand which will make more use of existing capacity and thus increase both profits and the incentive to invest. In fact, profits after taxes would be at least 15 percent higher today if we were operating at full employment.

For all of these reasons, next year's tax bill must reduce personal as well as corporate incomes taxes—for those in the lower brackets, who are certain to spend their additional take-home pay—and for those in the middle and upper brackets, who can thereby be encouraged to undertake additional efforts and enabled to invest more capital.

Third, the new tax bill should improve both the equity and the simplicity of our present tax system. This means the enactment of long-needed tax reforms, a broadening of the tax base and the elimination or modification of many special tax privileges. These steps are not only needed to recover lost revenue and thus make possible a larger cut in present rates. They are also tied directly to our goal of greater growth. For the present patchwork of special provisions and preferences lightens the tax load on some only as the cost of placing a heavier burden on others. It distorts economic judgments and channels an undue amount of energy into efforts to avoid tax liabilities. It makes certain types of less productive activity more profitable than other more valuable undertakings. All this inhibits our growth and efficiency, as well as considerably complicating the work of both the taxpayer and the Internal Revenue Service.

These various exclusions and concessions have been justified in the past as a means of overcoming the oppressively high rates in the upper brackets and a sharp reduction in those rates, accompanied by base-broadening, loophole-closing measures, would properly make the new rates not only lower but also more widely applicable. Surely this is more equitable on both counts.

Those are the three tests which the right kind of bill must meet and I am confident that the enactment of the right bill next year will in due course increase our gross national product by several times the amount of taxes actually cut. Profit margins will be improved and both the incentive to invest and the supply of internal funds for investment will be increased. There will be new interest in taking risks, in increasing productivity, in creating new jobs and new products for long-term economic growth.

Other national problems, moreover, will be aided by full employment. It will encourage the location of new plants in areas of labor surplus and provide new jobs for workers we are retraining and facilitate the adjustment which will be necessary under our new trade expansion bill and reduce a number of Government expenditures.

NOT INFLATIONARY

It will not, I am confident, revive an inflationary spiral or adversely affect our balance of payments. If the economy today were operating close to capacity levels with little unemployment, or if a sudden change in our military requirements should cause a scramble for men and resources, then I would oppose tax reductions as irresponsible and inflationary and I would not hesitate to recommend a tax increase, if that were necessary. But our resources and manpower are not being fully utilized; the general level of prices has been remarkably stable; and increased competition, both at home and abroad, along with increased productivity will help keep both prices and wages within appropriate limits.

The same is true of our balance of payments. While rising demand will expand imports, new investment in more efficient productive facilities will aid exports and a new economic climate will both draw capital from abroad and keep capital here at home. It will also put us in a better position if necessary to use monetary tools to help our international accounts. But, most importantly, confidence in the dollar in the long run rests on confidence in America, in our ability to meet our economic commitments and reach our economic goals. In a worldwide conviction that we are not drifting from recession to recession with no answer, the substantial improvement in our balance-of-payments position in the last 2 years makes it clear that nothing could be more foolish than to restrict our growth merely to minimize that particular problem, because a slowdown in our economy will feed that problem rather than diminish it. On the contrary, European governmental and financial authorities, far from threatening to withdraw gold, have urged us to cut taxes in order to expand our economy, attract more capital and increase confidence in the future.

FEDERAL DEFICIT

But what concerns most Americans about a tax cut, I know, is not the deficit in our balance of payments but the deficit in our Federal budget. When I announced in April of 1961 that this kind of comprehensive tax reform would follow the bill enacted this year, I had hoped to present it in an atmosphere of a balanced budget. But it has been necessary to augment sharply our nuclear and conventional forces, to step up our efforts in space, to meet the increased cost of servicing the national debt and meeting our obligations, established by law, to veterans. These expenditure increases, let me stress, constitute practically all of the increases which have occurred under this administration, the remainder having gone to fight the recession we found in industry, mostly through the supplemental employment bill, and in agriculture.

We shall, therefore, neither postpone our tax cut plans nor cut into essential national security programs. This administration is determined to protect America's security and survival and we are also determined to step up its economic growth. I think we must do both.

Our true choice is not between tax reduction, on the one hand, and the avoidance of large Federal deficits on the other, it is increasingly clear that no matter what party is in power, so long as our national security needs keep rising, an economy hampered by restrictive tax rates will never produce enough revenues to balance our budget just as it will never produce enough jobs or enough profits. Surely the lesson of the last decade is that budget deficits are not caused by wildeyed spenders but by slow economic growth and periodic recessions and any new recession would break all deficit records.

In short, it is a paradoxical truth that tax rates are too high today and tax revenues are too low and the soundest way to raise revenues in the long run is to cut rates now. The experience of a number of European countries has borne this out. This country's own experience with tax reduction in 1954 has borne this out. And the reason is that only full employment can balance the budget and tax reduction can pave the way to full employment. The purpose of cutting taxes now is not to incur a budget deficit, but to achieve the more prosperous, expanding economy which will bring a budget surplus.

FUTURE BUDGET SURPLUS

I repeat: our practical choice is not between a tax-cut deficit and a budgetary surplus. It is between two kinds of deficits; a chronic deficit of inertia, as the unwanted result of inadequate revenues and a restricted economy, or a temporary deficit of transition, resulting from a tax cut designed to boost the economy, increase tax revenue and achieve—and I believe this can be done—a future budget surplus. The first type of deficit is a sign of waste and weakness. The second reflects an investment in the future.

Nevertheless, as Chairman MILLS of the House Ways and Means Committee, pointed out this week, the size of the deficit is to be regarded with concern and tax reduction must be accompanied, in his words, by "increased control of the rises in expenditures." That is precisely the course we intend to follow in 1963.

At the same time as our tax program is presented to the Congress in January, the Federal budget for fiscal 1964 will also be presented. Defense and space expenditures will necessarily rise in order to carry our programs which are demanded and are necessary for our own security, and which have largely been authorized by members in both parties of the Congress with overwhelming majorities; fixed charges on the debt also rise slightly. But I can tell you now that the total of all expenditures combined will be held approximately at its current level.

CONTROL OF EXPENDITURES

This is not an easy task. During the past 9 years, domestic civilian expenditures in the National Government have risen at an average rate of more than 7½ percent. State and local government expenditures have risen at an annual rate of 9 percent. Expenditures by the New York State government, for example, have risen in recent years at the rate of roughly 10 percent a year. At a time when Government pay scales have necessarily risen—and I take New York just as an example—when our population and pressures are growing and the demand for services and State aid is thus increasing, next year's Federal budget, which will hold domestic outlays at their present level, will represent a genuine effort in expenditure control. This budget will reflect, among other economies, a $750 million reduction in the postal deficit. It will reflect a savings of over $300 million in the storage costs of surplus feed grain stocks and as a result of the feed grain bill of 1961 we will have two-thirds less in storage than we would otherwise have had in January 1963, and a savings of at least $600 million from the cancellation of obsolescent or unworkable weapons systems. Secretary McNamara is undertaking a cost reduction program expected to save at least $3 billion a year in the Department of Defense, cutting down on duplication, and closing down nonessential installations. Other agencies must do the same.

In addition, I have directed all heads of Government departments and agencies to hold employment authorized by congressional appropriation under those levels; to absorb through greater efficiency a substantial part of the Federal pay increase; to achieve an increase in productivity which will enable the same amount of work to be done by fewer people; and to refrain from spending any unnecessary funds that were appropriated by the Congress.

FEDERAL DEBT

It should also be noted that the Federal debt, as a proportion of our gross national product, has been steadily reduced since this administration took office. Last year the total increase in the Federal debt was only 2 percent—compared to an 8 percent increase in the gross debt of State and local governments. Taking a longer view, the Federal debt today is only 13 percent higher

than it was in 1946—while State and local debt increased over 360 percent and private debt by 300 percent. In fact, if it were not for Federal financial assistance to State and local governments, the Federal cash budget would actually show a surplus. Federal civilian employment, for example, is actually lower today than it was in 1952, while State and local government employment over the same period had increased 67 percent.

It is this setting which makes Federal tax reduction both possible and appropriate next year. I do not underestimate the obstacles which the Congress will face in enacting such legislation. No one will be fully satisfied. Everyone will have his own approach. A high order of statesmanship and determination will be required if the possible is not to wait on the perfect. But a nation capable of marshaling these capabilities to meet a sudden and dramatic threat to its security is surely equally capable of meeting a creeping and complex threat to our economic vitality. This Nation can afford to reduce taxes—we can afford a temporary deficit—but we cannot afford to do nothing. For on the strength of our free economy rests the hope of all freemen. We shall not fail their faith—and, God willing, freemen and free nations shall prosper and prevail.

QUESTION AND ANSWER PERIOD

Percentage decrease

Mr. SHIELDS. Mr. President, Mr. Mortimer and I have studied the many questions submitted by the members and what we had in mind was to select those which will perhaps provide you with an indication of how the members feel about some of the major problems of the day. However, I have a small complaint. You have ruined most of my questions, for you have quite definitely answered them, and I think with very high statesmanship, most of the questions submitted by the members, for which we are all grateful. I wish in all frankness that I didn't have to ask you any questions, because I am going to have to go sort of to the bottom of the barrel. But here is one:

There has been much talk in Washington and elsewhere of reductions in personal income tax rates to 15 percent for the lowest brackets, and 65 for the highest brackets, in personal income taxes, and for a reduction in corporate rates to 47 percent. What many of these questioners would like to know is, Are those figures generally in the ballpark?

The PRESIDENT. This legislation is going to have very difficult traveling at best, and I would suggest giving it at least the most favorable start we can, as I said in my speech, by permitting Mr. Dillon to present this before the Ways and Means Committee in January. So that I would suggest that the details of the tax reduction should wait upon presentation to the Ways and Means Committee. There might be something for everybody, though.

Trade Act

Mr. MORTIMER. Mr. President, my first question is: One of the great achievements of your legislative program this year was the passage of the Trade Expansion Act. Would you care to comment on your program in that area of the economy?

The PRESIDENT. We have, as you know, appointed former Secretary of State Herter to be our chief negotiator. He is assisted by Mr. Gossett, who was vice president of the Ford Co. They will begin the discussions with the Common Market early in 1963. There are 1,400 or 1,500 items. It will probably take well into 1963, I would say, toward the end of 1963, before both sides have prepared their positions. We are going to have an extremely difficult negotiation, particularly in agriculture. The United States has had a favorable market for its agricultural surpluses to Europe or its agricultural products, it has been our best dollar earner, it has really meant that our balance of payments has not been in more difficult position than it has been. Now, with the Common Market, with the prospects of Britain's joining, with the tremendous revolution in agricultural production which is about to hit Europe, France in particular, the levies and the rates and the penalties which are placed on the introduction of agricultural commodities into Europe in the coming 3 or 4 months may be of decisive importance to us in our battle in the balance of payments, and also in our struggle to bring some sense out of the problems we face in American agriculture.

So I would say that Secretary Herter has really a responsibility comparable to what he had as Secretary of State, and one which ties into our security, because quite obviously unless we are able to meet our balance of payments in time, then we are going to have to find other means of solving it. As you know, it costs us about $3 billion a year because of national security expenditures. So that this goes to the heart of our ability to keep more than 1 million Americans in uniform who are now serving the United States outside of the borders of the United States.

I think this is a very vital issue, and that is why I was particularly pleased that Mr. Herter accepted it. I am glad to see in this New York Port Authority, the trade center that they are building, the effort that businesses are making to sell abroad. We sell abroad much too little. As a percentage of our gross national product the United States sells abroad less than nearly most any major industrialized country. We have never had before us the prospect of export or die, and I think if all those who are in positions of responsibility will think not only of the markets which may be abroad for investment, but also going up and down the streets and selling American products, they can make a decisive contribution to the maintenance of our balance of payments, and also serve the country and the free economy system. So the next few months I think will be very decisive and the burdens of Mr. Herter will be very great.

Financing the deficit

Question. Mr. President, in view of the prospect for a deficit in any event, and a fairly large one if taxes are reduced, is it part of the administration's plan to finance a major part of that deficit outside the banking system in order to reduce the threat of monetary inflation?

The PRESIDENT. That will be a judgment which is primarily that of Mr. Martin and the Federal Reserve. He has commented on that to a degree before the Joint Committee this year. He is concerned about the prospect of inflation, because of course it affects us adversely, and also because it affects the balance of payments. I would hope, however, and I am sure that he will agree, that he will—any deficit which has to be financed will be financed in a way which will be the maximum degree possible to stimulate the economy without increasing the prospect of another inflationary or speculative spiral. So it is a fine adjustment which Mr. Martin will make, but I am sure he will be as concerned as all of us are to get the benefit such as it may be out of the deficit, and also at the same time keep and use our monetary tools wisely enough to keep matters in control. His judgment will be, because of the Federal Reserve law, final.

Seized property

Question. Mr. President, the strong attitude you took toward Khrushchev during the Cuban crisis has not only been applauded, but has improved the standing of our country throughout the free world. Don't you feel we would gain more respect and further improve our status by really implementing the Hickenlooper amendment on American properties which are seized largely without compensation overseas, rather than just giving lipservice?

The PRESIDENT. Well, I am not sure I would accept the premise of the question. The Hickenlooper amendment is very clearly and sharply drawn. We are appointing a distinguished businessmen's committee to advise us on implementing the Hickenlooper amendment. It is not altogether an easy job. We have got one controversy now in Turkey, which involves a default by a previous government which was overthrown, a number of the ministers executed, which was regarded as highly corrupt. The present Government is reluctant to accept its obligations. We have the problem in Brazil where you have the seizure of American property by local governors, a local governor, and we have looked to the National Government for relief. The Hickenlooper amendment does not go wholly into effect for some months under its terms, but I can inform you that its provisions are being read to the finance minister of every state.

Question. Mr. President, this question cropped up in many forms. Here is one form of it: Are current tax plans giving any consideration to increased emphasis on consumption taxes by way of a broad base Federal excise tax in order to relieve some of the tax pressure on income from investment sources?

The PRESIDENT. Once again I will pass.

Question. I should have chosen one of the other versions.

The PRESIDENT. When I was a Congressman I never realized how important Congress was, but now I do.

I think I can paraphrase it by saying you are thinking about the possibility later on of using consumption or sales taxes in the tax packages that you are considering. I assume what they mean is whether we are thinking of going the route which has been followed in France and some other countries of putting manufacturers' tax, and lessening the burden on income. I think on these details of the tax program that in your interest as well as mine we should wait.

Alliance for Progress

Question. Mr. President, what progress has been made by our Latin American neighbors to the—effecting tax reforms and economic reforms, so that they begin to carry their own weight under the Alliance for Progress?

The PRESIDENT. Well, we have made some progress in some countries. I made a reference the other day at the press conference that some efforts have been made to meet the principles of the Alliance in Colombia. The President of Chile, who has been visiting us this week, is putting in a new tax program, some of which is causing some concern to American companies which have investments there, but I would say that we have made some progress in some countries. But tax reform is very difficult. It is a very appealing title. But I know from the struggle that we have had in Congress this year, in our efforts to pass the 7 percent investment credit, and at the same time to collect taxes more effectively through withholding on dividends and interest, a tax which has been on the books for 20 years, tax reform, when we become more specific, does not carry with it the same popular support. They have the same difficulty.

I think the situation in Latin America is very critical. I would say it represents the greatest challenge which the United States now faces, except for the direct matter of our dealings with the Soviet Union. And some of the countries, the situation is far less satisfactory. The problems are staggering. And Brazil, which is a matter of great concern to us, is the largest country in Latin America, which has a population 40 percent of which is under 20, substantially illiterate in some portions, particularly the northeast,

living on an average income of $100 a year, some radicals in control in some areas. So I would say we face extremely serious problems in implementing the principles of the Alliance for Progress.

We do it with a good deal less resources than we did with the Marshall plan. And in many ways the Marshall plan was easier. We really only had to rebuild plants in Europe. The manpower was there, the tradition was there, the resources were there. Latin America does not have the resources. It is dependent on two or three or four commodities for export, which the prices of which have been dropping the last 3 years. It does not have the trained manpower or skills. It is trying to accomplish a social revolution under freedom with the greatest obstacles. So I think that we should continue our effort there and not lose heart, but I would say—we face—and Latin Americans face—staggering problems in trying to solve it. We had the guest from Honduras whose population is 60 percent illiterate. We go through country after country in Central America, the same high illiteracy, high unemployment, bad health conditions. So I would say we are facing the job of doing this revolution under freedom, and it is probably the most difficult assignment the United States has ever taken on.

In addition, because of the atmosphere in some of the countries of Latin America, there has been a flight of capital out of there. The amount of assistance which we put in under the Alliance for Progress amounts to about $550 million a year. We have been losing capital out of Latin America either to Europe or because some of our companies don't feel like reinvesting because of the social conditions. We have been losing capital at a faster rate than that out of Latin America, and with a drop in commodity prices. In many ways their balance of payments is worse than it was 2 years ago. This is not the fault of the Alliance for Progress. It is the fault of the very desperate situation which these countries face—180 million people with a chance that their population will be 600 million by the year 2000, with no particular expectation that their raw materials will dramatically increase. So I think that this deserves the attention and hard work and sympathy of us all, and not to walk away because the problems are unsolved.

Monetary policy

Question. Mr. President, many of the questions submitted dealt with monetary policies, and the central theme seemed to be whether it will be possible and desirable to use a little easy money stimulation as well as tax reduction. And to quote from one of the shorter questions, "Why not ease up on money?"

The PRESIDENT. Well, I think there is a good supply of credit. I think the Federal Reserve Board has attempted to keep credit as free as it could, and the supply of money has been increased with the growth of the economy. I think it would be very difficult to keep it easier than it now is, without having the short term funds pour out at a higher rate than they are. After all, we have seen when Canada put its interest rates up, I think, as high as 7 percent, though it has dropped them now. It affected the flow of capital here. In October, we had several cases of major investments using our markets because of our interest rates. The fact of the matter is that I am not sure that we would get much stimulation out of the economy, but I don't see how we could possibly afford easier money than we now have, and still not have a hemorrhage at our balance of payments.

I think we have a major problem to balance off the use of monetary policy here at home affecting our balance of payments abroad, and also that is one of the good arguments. And, as a matter of fact, I think that we can make the case which is almost unanimously made in Europe, that the U.S. monetary policy in some ways is too loose, while our fiscal policy is too tight. And it is for that reason that the international banks in Europe and others have suggested that the reverse would be more appropriate. I think we should attempt to keep monetary policy about where it is, try to liberalize fiscal policy, for the reasons that I have given tonight. But I don't see how we could possibly go any further in the direction of easier credit, while we have a balance of payments which is against us by over $2½ billion a year.

Russians in Cuba

Question. Mr. President, there are a number of questions about Cuba. This is a brief one. Is there a firm policy on getting the Russian manpower out of Cuba?

The PRESIDENT. Mr. Khrushchev in his agreement only committed himself to the withdrawal of the missiles and the bombers, and the manpower which was connected with the maintenance of those forces. That would amount to several thousand. In addition, he stated that he would, though he did not put a time limit on this, he would be withdrawing other elements. But that guarantee is not as precise and that commitment has not been implemented, nor was it as hard as his others, which he has kept. So this must be a matter of continuing concern, and is the reason why we are maintaining observation and verification by our own means daily, and why we will continue to do so, and while the matter of Cuba, therefore, still remains unsettled, as long as it is a Soviet military base, it represents a threat to peace in the Caribbean. On the other hand, it does not represent an offensive threat under present conditions, nor will it be of course permitted to do so.

Tax reforms

Question. Mr. President, we received many questions which reflected some fear that if your tax message were to call for many of the tax reforms discussed from time to time by some of your advisers, the effect might offset the favorable impact of a tax reduction itself. The specific question that Mr. Mortimer and I decided to select here was this: "Why not have a moratorium on reform until we get back to full employment?"

The PRESIDENT. Well, the purpose of reform really is directed to the encouraging of growth, and employment. I quite agree that to launch into a full-scale battle on general reform for academic reasons would be unwise. The central purpose behind the reform must therefore be to encourage those changes in our tax laws which will encourage economic growth for that purpose, and not merely because it might have some longer range interest or significance. The primary job will be to encourage the flow of capital into those areas which stimulate the national growth and not diminish it. But it is going to be a tough fight, because once you spell out, as I said before, a reform, it is bound to affect adversely the interests of some, while favoring the interests of others. Therefore reform may be a longer task, and we are anxious that in the effort to get reform, we do not lose the very important matter of tax reduction for the sake of the economy. I know that I am not satisfying you, and I know this is going to be the major matter before the Congress, this matter of affording a tax cut at a time when we have a deficit. But I do point out that the largest peacetime deficit, which was the 1958 deficit of $12.5 billion, came at a time when President Eisenhower believed that he had presented a balanced budget, and the reason, of course, was the recession of 1958. The biggest deficit comes historically—and it has been proved in the 1958, 1960—because of a recession. That is what would really knock our budget out of shape. So that, as I tried to say in my speech, we are not faced with the question of balancing our budget, or having a tax reduction. I believe we are faced with the fact that we are going to have a deficit mostly because of the sharp rise in the recent years in space and defense, and to increase our taxes sufficiently to bring that budget into balance would be defeating, because, of course, it would provide a heavy deflationary effect on our economy, and move us into a recession at an accelerated rate. So I hope that you gentlemen will realize that we are not talking about irresponsibly increasing the deficit. We have a deficit which is already on the books. What I am concerned about is the kind of deficit we would have if we had a recession, and while the prospects for a recession are not certainly imminent before us, we do have to look at our historical record, and realize that any society such as ours, particularly with the tax structure such as ours, must face that prospect at some time. So that we have to decide what kind of a deficit do we want, and for what reason, and which in the longer run offers us the better prospect of bringing our books into balance.

In addition, we are hopeful, as the Minuteman begins to come into our defenses, that we will be able to bring our defense expenditures to a level, unless we have a severe international emergency, which in a period of the not too distant future will cap off our defense expenditures. The Minuteman will be coming in in great quantities. A large portion of our increases in defense in the next budget are due, one, to pay the increase for the military, and they have not had one since 1958, and they are far behind civilian and the other civilian employees of the Government, and for new weapons, of equipping the new divisions which we have built up, the conventional forces, and bringing into our arsenal the Minuteman. And when we have the Minuteman in quantity, Secretary McNamara believes it will be possible to peak off, and not have this steadily rising expenditure in defense.

I want to point out that we have increased in conventional forces in the last 2 years the numbers of our divisions from 11 to 16, and we are also providing equipment for 22 divisions in case it were necessary to mobilize our Guard. We have six divisions in Europe, and we have the equipment for two more. Now, I think the Cuban incident indicated the importance of a strong conventional force. The greatest factor on our side was the fact that we had superior conventional strength on the scene, and it would have been necessary to equalize that strength for the Soviets to initiate the use of nuclear weapons, which of course they were quite reluctant to do.

Now, in other areas we do not have a satisfactory conventional position. General Clay is more familiar with this than any man, and this is true in Western Europe. The United States is doing its part, but other countries of NATO have not met their quotas. Up until 2 or 3 years ago, the United States had its six divisions in Western Europe, its two divisions in South Korea, and its three divisions in the airborne reserve here in the United States, and that is all. Now we have increased by five divisions, and therefore with the obligations that we bear all the way from South Korea through South Vietnam to Berlin, as well as our obligations in this hemisphere, I think it was only prudent to increase our conventional as well as our nuclear force. That and our commitment to space have been the big burdens in our budget. Space will continue to rise, but not excessively. Defense we hope to cap off, and that is why I believe that we are not getting in a position where we will be out of control, providing we can maintain a steady rise in our economic growth.

Type of foreign aid

Question. Mr. President, why shouldn't the United States emphasize foreign aid by means of technical and material assistance

from the U.S. private firms, backed by U.S. credit guarantees, rather than the prevalent government-to-government gifts which rarely help American exports? For instance, a large part of the industrial equipment being installed in India and in South America is coming from Europe on long-term credit, rather than from U.S. plants, in spite of our aid to these countries.

The PRESIDENT. It is a fact that the United States has given economic assistance, particularly to India, at low rates of interest, with years of grace, while the other members of the consortium have given their assistance on rather short terms and high rates of interest. The fact of the matter is that the United States has carried an excessive burden in foreign assistance, in relation to Western Europe, but not in relation to need. Now, we spend about $1.7 billion to $1.8 billion in foreign assistance which goes of course to the Pentagon to buy surplus equipment, so therefore it is an addition to our own available funds. Then we have another $2 billion which we give in the form of loans, some of which are reasonably hard, and some of which are soft, but we are emphasizing loans. Now, for that $2 billion, we sustain South Korea, which has 40 percent unemployed; it has been the country which has been the major beneficiary. There is not any doubt that it would go under immediately if the United States ceased its economic assistance. Fifty thousand Americans were killed to protect South Korea. We carry the load, not so much, but still some, on Nationalist China, and we carry a very heavy load in Vietnam. Vietnam would collapse instantaneously if it were not for U.S. assistance. We carry a heavy load in Thailand, India, Pakistan, Iran, Turkey, and Greece. We also carry some burden in Africa, about $250 million. I had the President of Somali to visit me 2 weeks ago. The average income for Somali per capita is $45 a year.

When we see how difficult it is to get the Communists out once they get in, when we see the trouble that Cuba has caused, when we see that there is not one Communist regime yet in control in Africa, or indeed in Asia, other than those in North Vietnam, North Korea, and China, it seems to me that for this $2 billion, that considering that we put $51 or $52 billion into our defense—we are going to put nearly $5 billion into space, $5.5 billion into veterans, $9.5 billion in interest in our debt, $7 billion into agriculture, about $4 billion into public assistance—it seems to me that for that $2 billion, which covers the Alliance for Progress, assistance to India, which has 40 percent of all the under-developed people of the world, I think that we should embark with some care on any effort to cut it out.

Now, what we are trying to do is cut the dollar loss, which is the real burden, and we are cutting it this year from $1.3 billion, which was the dollar loss in foreign aid, to $800 million. We have increased the support for the Export-Import Bank. We are trying to tie all of our assistance to American purchases, and we hope to have it 80 percent tied, even though it does cost us some more doing it. But if you are going to build a school or a hospital, some local assistance is needed, and most of these countries are bankrupt, Colombia and Brazil and the others.

So I would like to cut out foreign aid. It is very unpopular. It is a hard fight each year. President Eisenhower had the same struggle, and so did President Truman. General Clay, as you know, is heading a committee, with Mr. Lovett, Eugene Black, and others, Mr. McCollum and others, to look into this program. But I must say I am reminded of Mr. Robert Frost's motto about not taking down a fence until you know why it is put up, and this is a method by which the United States maintains a position of influence and control around the world, and sustains a good many countries which would definitely collapse or pass into the Communist bloc. Now, India, as I said, has 500 million people. We have been digging our way out of the loss of China for the last 12 years, and my successor in office may have to deal with the problem of a China which is carrying out an expansionary policy with nuclear weapons and missiles. But for India to go, it would seem to me that the whole balance of power in the world would change. So I think talking about $2 billion—what really concerns me is that Western Europe does not do its part on aid, considering the great increase in its own balance-of-payments position. And I do believe also that the United States should tie as much as possible. But I certainly would be reluctant to see this program abandoned, because really I put it right up at the top of the essential programs in protecting the security of the United States, not for any reasons of long-range good it may do, though it does do that, but if somebody said, and I know President Eisenhower feels the same way, because for 2 years he has played an important role in getting that program by, if somebody said which programs of the U.S. Government really contribute to the maintenance of our position around the world, I would have to put this up near the top. But General Clay can make his judgment, and I think whatever judgment he makes can give this program a very important imprimatur.

Question. Mr. President, I simply ran out of questions. All I would like to say to you is congratulations on your answers, and thank you, Mr. President.

The PRESIDENT. Thank you very much.

Mr. HUMPHREY. Mr. President, I also invite the attention of my colleagues to a remarkably clear and perceptive article by Leon H. Keyserling printed in the January 4 issue of Printers' Ink. As you know, Mr. Keyserling has been in the forefront of those persons advocating extensive revision of our tax laws as the most effective way of reducing unemployment and increasing our annual economic growth rate. His article in Printers' Ink is his most recent analysis of the situation. It is hardhitting and I commend it to Senators for careful study.

Mr. President, I ask unanimous consent that Mr. Keyserling's article be printed at this point in the RECORD.

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

I PREDICT THE ECONOMY

(By Leon H. Keyserling)

Just a year ago, writing for Printers' Ink, I challenged the prevalent rosy forecasts about the outlook for 1962. My view was that, the upturn in 1961 having been too slow and too small, the unsatisfactory performance would be continued in 1962. In longer term perspective, what I saw a year ago indicated continuation of a pattern confirmed since 1953. Beginning with mid-1953, this pattern, repeated several times, has been: First, recession; then, incomplete upturn; and then, a period of stagnation leading into still another recession.

The events of 1962 have more than justified my trepidations of a year ago. As we now look at 1961 and 1962 together, the upturn following the recession of 1960–61 has been, as I intimated a year ago, the least satisfactory since World War II. The average annual growth rate during these 2 years has been only about 3.6 percent, or considerably less than half of the average annual growth rate of about 8 percent, which would have been required to bring us back to reasonably full use of our resources by the end of 1962—a salubrious condition which in fact we have not enjoyed since early 1953.

Within 1962, the growth rate has progressively slowed down. Measured at an annual rate seasonally adjusted, the growth rate was 3.5 percent from fourth quarter 1961 to first quarter 1962; 3 percent from first to second quarter 1962; about 1 percent (virtual stagnation) from second to third quarter 1962; and likely to be only slightly better in the fourth quarter than in the third. Because a growth rate so abysmally low cannot absorb the increments in the labor force and the gains in productivity, our idle resources have continued their chronic rise. Total national production was about $63 billion short of reasonably full production in 1960, although a recession commenced late in that year. But total national production now is running at an annual rate in the neighborhood of $80 billion short of reasonably full production. Gross underestimates of this gap do us no good; they conceal the evil and therefore bury the appropriate remedies.

UNEMPLOYMENT NOW HIGHER THAN IN 1960

It is harder to estimate the trends in idle manpower, because the official count of unemployment includes only full-time unemployment. This makes no allowance either for the full-time equivalent of part-time unemployment, nor for the concealed unemployment, in that the growth of the labor force has been unduly low because of the scarcity of job opportunity. The true level of unemployment, including the three factors which I have just mentioned, is now close to 9 percent, or higher than in 1960; and even full-time unemployment as officially counted is now about 5.8 percent, or about twice as high as it ought to be.

A longer time span must be viewed, in order to estimate the cost of the chronic illness which has affected our economy since early 1953. In 1953, the true level of unemployment was 5 percent, contrasted with the almost 9 percent now. The deficiency in actual total national production measured against reasonably full production was nominal in 1953, contrasted with an annual rate in the neighborhood of $80 billion now. For the whole period from the beginning of 1953 through the end of 1962, the forfeiture of total national production was more than $425 billion, and total man-years of employment opportunity was about 26 million too low.

Practically every sector of the economy has suffered accordingly. My estimate is that, for the decade from the beginning of 1953 to the end of 1962, compared with what we would have done at reasonably full use of our resources, consumer spending has been deficient to the tune of more than $280 billion, gross private domestic investment more than $108 billion, and corporate profits $70 to $80 billion.

More serious even than the past is the prospect that effective solutions to improve the record in future have not been applied, nor even substantially discussed. And yet, if the poor performance of the past decade is repeated (which I think is likely if no better solutions are forthcoming), we could during the 4-year period 1963–66 as a whole forfeit almost another $300 billion of total national production, and almost another 17 million man-years of employment opportunity, as well as another $180 billion of private consumer spending, another $75 billion of gross private domestic investment, and another $30 to $35 billion of corporate profits.

THE TWO FACTORS RETARDING EQUILIBRIUM

Why is it that our progress and prospects are so inadequate? It seems to me, because the remedies applied or under active consideration neither make a comprehensive diagnosis of the chronic ailment by analyzing the maladjustments of the economy which

have caused it, nor attempt to define quantitatively and in proper balance the relationships among the components of the economy which would represent a state of economic good health. And with these two factors missing, it is impossible to devise the policies which would transform the chronic disequilibrium into equilibrium at reasonably full-resource use.

The basically correct diagnosis, in my view, is surprisingly simple. During each of the short-lived and inadequate boom periods, the expansion of the means of production far outran the ultimate demand for products in the form both of private consumer expenditures and public outlays for goods and services. When so-called overcapacity became extreme, private investment was cut back very sharply, leading to unemployment. The effects of the unemployment throughout the economy, superimposed upon the more enduring deficiencies in demand for ultimate products, brought on the periods of stagnation and then recession.

Underlying these disequilibriums in the use of our resources were income disequilibriums. During the periods of relatively excessive investment in expanding the means of production, this investment was supported by very ample profits, very ample personal savings to support borrowings for investment purposes, and tax rates which were not burdensome upon the investment process (in that they did not curb the investment boom until overcapacity dissuaded investment and also resulted in some profit squeezes).

Meanwhile, during the same boom periods, personal incomes were so distributed between (a) the middle- and low-income groups who spend immediately for consumption most of their after-tax or disposable incomes and (b) those nearer the top of the income structure who attempt to save and invest a much larger portion of their incomes, that the disequilibriums between investment and ultimate demand were enlarged. Public outlays at the Federal level were also too small, relative to the size and needs of the economy, to help restore equilibrium. The tight-money policy and rising interest rates, by aggravating the regressive redistribution of incomes which has been underway during recent years, further promoted disequilibrium. And this was also true of failure to expand sufficiently some other programs which could add in just proportion to private consumption, especially the old-age portions of the social security system.

These comments do not mean that I am inimical to private investment and business profits. Indeed, during the past decade as a whole, these have averaged much too low—how could it be otherwise in an economy averaging an overall growth rate of less than 2.7 percent from the beginning of 1953 through the end of 1962, when somewhere between 4 and 5 percent was needed to maintain reasonably full resource use? But the very reason why investment and profits averaged so low, in the long run, was because of the periodic very sharp downturns in these highly volatile factors, due to the failure to maintain the equilibrium which would have resulted if ultimate demand during the periods of upturn had been kept in better balance with the expansion of investment and profits.

In this connection, another vitally important factor is this: In our traditional mass-production industries, there is taking place a sharp increase in the productivity of capital, as well as sharp increases in the productivity of labor. This means that each additional increment of capital investment and of labor input expands productive capabilities far more than in earlier years. When this is combined with changing patterns of consumer tastes in a very highly developed economy, the consequence is that we cannot expect to maintain as high a ratio of traditional private investment to the total size of the economy, as we did during those years long gone by when equilibrium was maintained. To take one striking example, automobile production is now running higher than in 1955, but several hundred thousand fewer automobile workers are being employed. No conceivable rate of automobile production in the years shortly ahead can appreciably increase employment in the industry.

The core meaning of all this is that, if we are to attain a high enough level of total private investment to be compatible with equilibrium at full resource use, there must be a pronounced shift in the structure of private investment. We need, in other private investment areas, a galvanizing force comparable to the automobile industry in the 1920's. The largest opportunities on this score are in such fields as urban renewal and housing, and the improvement of our mass-transportation facilities. Such expansion in these areas would require a great deal of facilitating legislation, to make more money available at lower costs for these purposes, and, in the case of housing, to bring about those admixtures of private and public effort which would open up the mass market of millions of ill-housed families who now cannot afford to obtain decent housing at costs within their means.

In terms of our real priorities as a nation, and also from the viewpoint of maintaining equilibrium at full resource use despite the new technology and automation and the increasing productivity of capital investment, there is also need for much more public investment—especially in education and health and other welfare services. Insofar as these expansions were to be an integral part of rounded private and public efforts achieving a full rate of economic growth, expansion in the absolute size of the Federal budget would be entirely consistent with a Federal budget occupying a smaller sector of the total national economy. This, under conditions of optimum national economic growth, would also be consistent with a balanced Federal budget despite needed reductions in tax rates. We all know by now that we have encountered only huge and almost continuous Federal deficits, by attempting to maintain too low a level of spending and too high a rate of taxation to be consistent with economic equilibrium at sufficiently high levels.

By quickly ticking off what has thus far been done, and what is now being proposed, by way of national economic policies, we can quickly appreciate why we have failed so substantially to hit the mark.

CORPORATE TAX CUTS NOT THE ANSWER

Tax concessions in 1962 provided about $2.5 billion (annual rate) to stimulate private investment. My initial view that this was an erroneous policy has since been reinforced by the inadequate investment results thus far obtained through this method. The tax proposals under active discussion for early 1963 are also weighted too heavily on the side of stimulating investment through corporate tax reduction and cuts in the personal tax rates imposed upon the higher income brackets. Some of this is undoubtedly desirable, but the preponderance of any new tax reduction should be directed to enlarging the spendable incomes of the middle-income and the low-income families, who consume immediately most of what they earn.

The administration, having determined upon deliberately increasing the deficit by billions of dollars, in the cause of economic restoration, fully intends to apply every penny of this deliberately increased deficit toward tax reduction, and none of it toward increased spending. This, in my view, is a very unbalanced way of attempting to bring about economic equilibrium, and it is also very short-sighted from the viewpoint of the great priorities of our national needs.

THE CONTINUING CONFUSION OVER INTEREST RATES

The Federal Reserve System is now threatening to counteract the stimulative effects of a more liberal fiscal policy by further tightening up of the money supply, which would mean also further increases in interest rates. I feel strongly that this ought to be challenged by the President and by Congress. The real reason for our serious balance of payments and gold problem is not differential interest rates, but rather the poor performance of the American economy when compared with some nations of Western Europe. Capital flows from the United States, both of U.S. private funds and of foreign funds previously invested here, are seeking not higher interest rates; they are seeking the more rewarding profits resulting from the better economic performance overseas, the higher rate of economic growth there, and the lower levels of unemployment there. It is thus self-defeating to try to improve our balance of payments and gold position by repressing the growth of the American economy.

The restorative measures now under discussion contain almost no reference to the problems of a structural nature which I have already mentioned. They seem impervious to the enormous challenge of housing, urban renewal, and mass transportation. There is much talk about shifting employment to the services. But how can this be done, if vast expansion of the services is not undertaken—and this must include, above all, health and education services, as well as the facilities in which they are provided.

Programs to retrain workers are largely frustrated, without sufficient expansion of the jobs for which to train them. Relief to depressed areas is largely frustrated, so long as the whole economy remains so slack. And the international trade measure, while desirable on many grounds, has been grossly exaggerated as a potential stimulus to the American economy, at least in the years immediately ahead. And in the long run, since we must import practically as much as we export, any increase in our own productive powers must be matched by an approximately similar increase in American buying power and actual buying—including goods produced at home and goods produced overseas.

One of the reasons for the faulty diagnosis, as I have already indicated, is that the policymakers are not looking sufficiently at the operations of the economy as a whole. Correspondingly, the policies which they advance are not welded into a systematic and comprehensive approach. The need for this approach does not mean that the Government should intrude more upon the private economy; it does mean that the Government should achieve an improved rationalization of its major efforts, just as a private business must do this to be successful. By this improved rationalization, the public policies under consideration would become more appealing to the American people and to the Congress; they would surmount some of the so-called political difficulties which so many now say stand in the way of effective programs.

The programs which I have in mind are not based upon a drab equalitarianism; they are based upon the degree of equity which we must achieve if an economy as productive as ours is to run smoothly. They are not based upon conflicts of interest or class divisions, but rather upon the mutuality of all of our interests, private and public.

They are certainly not more than we can do; they are the minimum of what we must attempt if we are to prosper and advance, and possibly even if we are to survive as the kind of influence in the world that we should be, and as a shining demonstration of the appeal and viability of responsible free enterprise and responsible free government.

While the details need to be worked out, we must always remember that, except in wartime, the consumer is king. Only those policies which focus first and foremost upon the broadening of mass consumption, the lifting of living standards, can translate the new technology and automation into an ever-increasing blessing rather than an ever-increasing liability.

Finally, my accent upon public policies does not negate in this field of mass consumption and rising living standards the importance of private action. For after all, it is the informed private citizen, and the informed private enterprise, that determine in large measure what our public policies in a democracy will be. And equally important, private enterprise itself should turn with redoubled vigor toward research, pricing policies based upon high volume rather than high per-unit return, and the legitimate dissemination of information with respect to good products (the sound advertising, if you please, which is so erroneously scored by some people).

Yet it is only in a favorable overall economic environment that private enterprise can maximize these efforts, and this is why I attach such high importance to the need for sound public policies in the trying times ahead.

NATIONAL FOREIGN AFFAIRS ACADEMY

Mr. HUMPHREY. Mr. President, I have long believed in the urgent necessity of establishing a National Academy of Foreign Affairs to train the diplomats and foreign service personnel needed to implement America's expanding commitments in the international arena. I wholeheartedly endorse the proposal of my colleague to establish such an academy in connection with which the Senator from Missouri [Mr. SYMINGTON] introduced a bill yesterday.

I find it most astonishing that we have delayed so long in fulfilling this need, which is certainly as urgent as the need for three Military Academies which have been flourishing for some years. I congratulate the special committee established to study this problem, headed by Mr. James Perkins, vice president of the Carnegie Corp., which has come forth with specific recommendations for this Academy. I also congratulate the Committee on Foreign Affairs Personnel, headed by former Secretary of State Christian Herter, which has recommended the establishment of a Foreign Affairs Academy as one of the most pressing needs of the Foreign Service in the 1960's.

The advisory committee headed by Mr. Perkins has noted three principal changes which call for new approaches to the training of foreign affairs officials. The first is the interdepartment nature of many foreign affairs problems. No one department can provide training to deal adequately with the multiphase problems which arise daily.

The second is the vast expansion of our foreign policy operations both in international organizations such as the United Nations and dozens of other organizations of which the United States is now a member. A briefing list—NATO, OAS, SEATO, CENTO, OECD, UNESCO—to mention but a few, suggest the breadth of our activities through multinational organizations. On the other hand, our officials are now involved in such nontraditional activities as local educational matters and local counter-insurgency programs.

The third is the persistent pressure from the Communist countries, pressure which can be successfully resisted only if the free world has the talent available to assist new nations in building stable, free societies.

I will not comment on the structure and organization of the Academy, as this has already been done. I would like to place special emphasis on the need to create a quality institution with standards second to none. It should be small and select. Its faculty should be superior, and its students the cream of American colleges—and the elite of the foreign affairs agencies in the Government.

Other leading centers of international studies—Minnesota, Harvard, Chicago, Columbia—should look to it as the leader in the field. Acceptance in the Academy should be a prize sought by all Government officials in the foreign affairs field. Moreover, the very concept of a National Academy of Foreign Affairs will gain from the physical location of the institution in the Greater Washington area. The District of Columbia and its environs offer unparalleled advantages in terms of access to sources, attractiveness to prospective faculty and students, and the ease of fruitful communication between Government offices and the Academy. I would look upon the establishment of a Foreign Affairs Academy in the National Capital area as a cultural asset of the first magnitude.

The Foreign Affairs Academy should be staffed not only for training officials but should become a center for research in the field of foreign affairs. In both the area of training personnel and research, it should encompass all relevant aspects of foreign affairs, not just those traditionally associated with diplomacy. It should give attention to the role of propaganda and modern communications in foreign affairs. It must train men to effectively implement huge and vital international programs in the area of labor affairs and agricultural affairs. It must provide us with a solid corps of trained administrators to implement the foreign aid program which, as the President eloquently stated in his state of the Union address, is ever more important in preserving free societies around the world.

If two of the principal recommendations of the Herter Committee's report are carried out, the need for a Foreign Affairs Academy will be even greater. I refer to the recommendations to establish a career Foreign Development Service and a Foreign Information Service. This would establish the equivalent of the Foreign Service for those officials charged with administering the country's foreign-aid programs and staffing its information services. The professional training required could be given at the Foreign Affairs Academy. I expect to discuss this further at a later date, but mention it here as one further reason for the early establishment of a Foreign Affairs Academy.

This proposal has been carefully studied by a committee appointed by the Secretary of State. It has been endorsed by the Secretary of State. It deserves the wholehearted support of the Senate and of the whole Congress. I look forward to the early passage of this bill and the early establishment of a National Foreign Affairs Academy.

The PRESIDING OFFICER (Mr. MONRONEY in the chair). The time of the Senator has expired under the 3-minute unanimous-consent agreement.

Mr. RUSSELL. Mr. President, I ask unanimous consent that the distinguished assistant majority leader may be permitted to proceed for 2 additional minutes.

Mr. HUMPHREY. I thank the Senator.

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

Mr. HUMPHREY. Mr. President, I respectfully suggest that a communication from the Secretary of Agriculture to Mr. McGeorge Bundy, Special Assistant to the President, be studied by the committee to which S. 15 is assigned. S. 15 was introduced by the Senator from Missouri [Mr. SYMINGTON]. The Secretary's letter appropriately expresses concern about the Foreign Agricultural Service and the training of Foreign Agricultural Service personnel.

I ask unanimous consent that the Secretary's 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:

DECEMBER 21, 1962.

Hon. McGEORGE BUNDY,
Special Assistant to the President,
The White House.

DEAR MAC: I understand that you have been working with the advisory panel which has recommended to the President the establishment of a National Academy of Foreign Affairs.

The establishment of such an Academy seems to me to be an excellent idea, and I particularly want to call attention to the very significant contributions which I think the Department of Agriculture can make in such an undertaking as well as the desirability of having the international activities of the Department of Agriculture more closely integrated with those of the rest of the U.S. Government through participation in the proposed Academy of Foreign Affairs. As you know, this Department does have a major interest in the international field, and one of its major agencies, the Foreign Agricultural Service, is devoted entirely to dealing with international matters. We have also just established the position of Assistant Secretary of Agriculture for International Affairs, and the President is appointing to this position Dr. Roland Renne, a distinguished educator and economist, who comes to this new position from the presidency of Montana State College. Dr. Renne will have special responsibility for all the international aspects of the activities of the Department of Agriculture in addition to general supervision over the Foreign Agricultural Service.

In our Foreign Agricultural Service, we have agricultural attachés who are stationed in 56 countries throughout the world. Altogether, the Department has 621 employees stationed in foreign countries of which 189 are U.S. citizens. In addition, as you know, this Department has the basic responsibility for administering Public Law 480, the food-for-peace program, which accounts for some

$1.5 billion a year in exports of agricultural commodities with extremely important foreign aid and foreign policy implications. We also bear major responsibility with respect to dollar exports of agricultural commodities which, as the President has pointed out, are among our best dollar earners and contribute greatly to dealing with the balance-of-payment problem.

The maintenance of our agricultural exports has come to play a key role in our international trade relations. It is noteworthy that the greatest difficulties in trade negotiations have centered around agricultural products in the dealings of the six countries with each other, in the EEC negotiations with the United States in 1960 and 1961, in the current negotiations respecting the entry of the United Kingdom into the Common Market, and in our current trade relationships with the Common Market. Indeed, our current difficulties with the Common Market with respect to agricultural products are so acute as to threaten the successful launching of negotiations under the new Trade Expansion Act of 1962. It is apparent that the Department of Agriculture must play an important part with other departments and agencies of the United States in future trade negotiations if they are to succeed.

The Department of Agriculture has long been active in providing training opportunities for both prospective and actual Federal employees. Since 1936, the Department and the land grant institutions have jointly worked on a program on training needs for undergraduates contemplating future Government employment. In more recent years the number of courses offered by the land grant institutions on international affairs has increased immeasurably. In addition, the USDA has operated a recognized graduate school since 1921. The school now has an enrollment of about 5,500 students, most of whom are Federal employees. Courses offered include foreign relations, studies of foreign governments, international marketing and various foreign languages.

In view of these major interests and broad experience in this field, it would seem appropriate for the Department of Agriculture to participate fully in the development and operations of the proposed Academy of Foreign Affairs.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

CHIEF JUSTICE ROBERT G. SIMMONS RETIRES

Mr. HRUSKA. Mr. President, this month marked the end by retirement of the active career of one of the Nation's outstanding jurists, Chief Justice Robert G. Simmons, of the Nebraska Supreme Court.

Those of us who have been honored to know and to be associated with Bob Simmons over the 24 years he has occupied his State's highest judicial position find it difficult to know where to start in describing the many phases of his rich and rewarding career. He served his native Scotts Bluff County—he was born in a "soddy"—as county attorney resigning the post to become a Balloon Corps officer in World War I. In 1922, at the age of 30, he came to the House of Representatives where he served for 10 years. In 1938, he was elected to head Nebraska's highest court.

Those were his official positions but no account of Bob Simmons' career would stop there. His work with the State and national bar associations, his unflagging interest in Cornhusker Boys and Girls State, his wise counsel to young and struggling lawyers, his devotion to his fine family—all of these are at least as important as the offices he held.

One of Chief Justice Simmons' most gratifying experiences, so he told me some years ago, was his membership and activity on the American Bar Association Committee on Corporation With Friendly Nations. Its work was done in collaboration with the legal section of former President Eisenhower's people-to-people program. His efforts resulted in assembling some 19,000 American lawbooks, texts, and encyclopedias and supervising their distribution to oversea law libraries to help spread an understanding and awareness of the American legal system.

Mr. President, the Omaha World-Herald's Magazine of the Midlands some weeks ago, in an article by James Denney, describes in some detail the colorful career of Chief Justice Simmons. I ask unanimous consent that it be printed in the RECORD.

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

STATE'S "OPINION DAY" TO MISS BOB SIMMONS

(By James Denney)

It was a typical Friday morning as the early rays of the sun glistened on the dome of the statehouse. From its perch above the golden bricks, the Sower statue looked down on ant-sized workers hurrying inside this skyscraper of the plains.

Among the hundreds of incoming persons were a handful of newsmen, who every Friday, even before they remove their hats, stroll to the second floor of the capitol and cross under the colorful rotunda en route to the office of George Turner, clerk of the State supreme court.

Friday is "opinion day," meaning that the seven justices of Nebraska's highest court speak through written opinions on subjects ranging from murder to irrigation. Mr. Turner's staff distributes the decisions to the reporters.

This was no ordinary "opinion day." Another chapter was to be written in the long and arduous efforts of convicted murderer Henry Hawk to seek freedom from the State penitentiary.

The U.S. Supreme Court had ordered the Nebraska justices to issue a writ of habeas corpus because the Federal court claimed that prisoner Hawk had been denied his rights under the due process clause of the U.S. Constitution.

Chosen by his fellow justices to answer this order was a stocky man whose bald head and piercing eyes were as familiar in the statehouse as the Sower itself.

His name: The Honorable Robert Glenmore Simmons, chief justice of the Nebraska Supreme Court.

A STATE'S AUTHORITY

A reporter for a Lincoln newspaper examined Justice Simmons' written opinion on the Hawk case and let out a whistle.

He told Clerk Turner: "You mean Judge Simmons says the U.S. Supreme Court can go to hell."

Mr. Turner answered: "I don't believe he used quite that language."

What Justice Simmons did say was, and still is, widely quoted among lawyers from coast to coast relative to the relationship between Federal and State authority.

The Nebraskan wrote:

"It is not for us to say what constitutes violation of the due process of law clauses of the Federal Constitution when the Supreme Court of the United States has spoken on that subject with relation to the question presented. Neither is it for us to say what issues may be justifiable in an application for writ of habeas corpus when that writ is sought in the Federal courts. But those are not and were not the issues presented and determined by us.

"The issue here now is the same as it was when the case was initially before us, and that is, What issues are justifiable in an application for a writ of habeas corpus in the courts of the State? That question is for the courts of this State to decide. We have the undoubted right to decide upon our own jurisdiction and the jurisdiction of the courts of this State to which our appellate power extends."

Thus did the Nebraska chief justice take his stand.

Henry Hawk eventually did win his freedom on another point of law and established a rule that became a body of law: A State prisoner must exhaust all his available State remedies before he can go to the Federal courts on constitutional grounds.

TWENTY-TWO YEARS OF SERVICE

The man who dared to legally stand up to the august U.S. Supreme Court will retire next January as Nebraska's chief justice. His picture is on the cover of today's magazine of the Midlands.

Chief Justice Simmons' successor is District Judge Paul W. White, of Lincoln, who was chosen by the voters over District Judge Clarence Beck, of North Platte, following a spirited campaign.

Judge Simmons will leave the bench after more than 22 years of serving the people of his State with a dignity that has earned the plaudits of the legal profession.

Although elected by the voters in 1938 to begin service the following January, Chief Justice Simmons took his place on the bench shortly after election. He was appointed by Gov. Roy Cochran to serve out the remaining weeks of the term of the late Chief Justice Charles A. Goss, who had died August 13, 1938.

Sitting in his office, which occupies the southeast wing of the second floor of the statehouse, Justice Simmons recently reminisced about his life as a schoolboy, college student, attorney, father, Congressman, politician, chief justice, and student of international relations.

Out of the top of his desk drawer, Justice Simmons handed this reporter photographs of the first and current courts on which he served.

HARMONIZING VIEWS

They revealed that only Justice Fred Messmore of Beatrice and Edward Carter of Gering, have been on the bench with the Chief Justice continuously since he was appointed by Governor Cochran.

Of his service on the court, the chief justice declared that the work was hard but not spectacular.

"There is a difference between the court and politics," he said. "Here, people give you credit for doing the job that you think ought to be done. You are not subjected to personal abuse."

The chief justice was asked to comment on the relatively few split decisions delivered by the Simmons court, as it is sometimes identified by Nebraskans.

"My only answer would be that we do make an effort to harmonize our views with each other," he said. "I'm very proud of the fact that in my 22 years here there has never been a time that the seven judges and their wives haven't been able to go out and have dinner together."

Justice Simmons is leaving the court with the hope that both the public and lawyers will think of him as a human being.

"When I leave this office in January," he stated, "I want people who see me on the street to say, 'How are you, Bob?' "

He emphasized the "Bob" because Bob Simmons is a likable individual who has proven that even sitting on the highest court in the State doesn't change a man's love for his fellow men.

"I know when the lawyers come into this courtroom there exists an invisible screen which separates the judges from the attorney," he added. "I've tried to break that screen because I know something about it. I was a lawyer a good many years before I became judge."

Justice Simmons has been a frequent contributor to the Magazine of the Midlands. His last article, entitled "We Pray," appeared May 29, 1960, and was the justice's account of his December 7, 1959, heart attack.

He gave his view of how the power of prayer from friends in many lands helped pull him through "those critical hours the doctors noted that the great doorway to eternity had swung shut ahead of me and I was on this side."

COLLECTED LAW BOOKS

Shortly before his heart attack, Justice Simmons played host to many guests from foreign countries. They were returning visits the Nebraskan had made to their countries as part of the legal group of former President Eisenhower's people-to-people program.

Justice Simmons became so interested in the program that he initiated on his own a drive to collect 19,000 lawbooks, textbooks, and encyclopedias to be given to 35 free countries of the world.

Because of his health and the health of his wife, the chief justice has not given public talks in recent months. However, every year except one since the organization of Boys and Girls State, Justice Simmons has spoken to these citizenship groups.

This year, Mr. Simmons had planned to speak again but his physician advised against it. So Justice Carter read Mr. Simmons' message.

In the address, the chief justice declared that the Communists "seek by the fallout of indirect attack to destroy that which is ours."

He told the youngsters: "We need be on guard and meet headon and not yield to Communist ideas and ideologies lest the fallout destroy our institutions.

"You will visit our beautiful capitol in your stay here. Across the north entrance, carved in stone, are these words:

" 'The salvation of the state is watchfulness in the citizen.'

"Remember you are one of these citizens, and act accordingly."

LIVED IN A DUGOUT

Bob Simmons is of pioneer Nebraska stock. His parents came to Nebraskaland from New York State in 1883. The family has traced its relationship way back to John and Priscilla Alden.

The chief justice's father's first venture in this State was selling farm implements at North Bend, a business which was to go broke. Three years later the family moved into the Panhandle.

Their first home was a dugout in the side of a hill. Later they entered a tree claim on land adjacent to the North Platte River and built a sod house.

Justice Simmons was born in this "soddy" on December 25, 1891. His father had to drive 11 miles in a lumber wagon to bring the doctor who attended that birth. Heavy rain seeped through the earthen roof of the sod home, and father held an umbrella over the mother while the physician brought the future Nebraska chief justice into the world.

Justice Simmons' family—he was one of seven children—faced plenty of problems. Two years after his birth, the judge's mother helped make ends meet by teaching school 13 miles from home. She returned to the "soddy" only on weekends to cook, wash, iron, and mend. Her motto: "We must keep on keeping on."

By 1898, the family had moved to Gering, then with a population of 300. The Simmonses lived in a log house with frame kitchen-dining room attached, and the father operated a grocery store and meat market.

Two years later, Justice Simmons' political career had its start when his father was named postmaster of Scottsbluff. "He received the appointment through Congressman Kincaid," said the judge.

HIGH SCHOOL DEBATER

The young Simmons' interest in law began while he was in high school. He served as a janitor for three school buildings and for a time was a janitor for the law office of Wright & Wright, where he would sneak a peek at a law book.

He was a member of the Scottsbluff High School debating team and graduated with the highest average in the class of 1909.

He attended Hastings College for 2 years, then worked a year before entering the University of Nebraska College of Law in September 1912, graduating in 1915 with the Order of the Coif.

He returned to western Nebraska and became county attorney of Scottsbluff County. There he married Gladyce Weil, of Lincoln, whom he still rates as the brains of the family.

The chief justice could add that there are a lot of brains in the Simmons family. His sons, Ray, of Fremont, and Robert, of Scottsbluff, and daughter Jean (Mrs. Lyman Wear) as well as Mother Simmons all are Phi Beta Kappas. In addition, son Ray also holds the Order of the Coif from the university.

In 1917, Justice Simmons resigned as county attorney and enlisted in the Army Balloon Corps. He qualified as a balloon pilot and observer and won his gold bars at Fort Omaha.

He returned to Scottsbluff early in 1919. In 1920, he was elected department commander of the Legion. In 1921 he was elected president of the University of Nebraska Alumni Association.

The following year, Moses Kincaid, the long-time Congressman of Nebraska's "Big Sixth," decided to retire. Robert Simmons, still not quite 31, ran and was elected as a Republican to succeed the father of the Homestead Act.

MORE RAMIFICATION

During the next 10 years, Mr. Simmons was an active Congressman and was frequently called upon by the occupants of the White House for advice. He served on the powerful House Appropriations Committee and was that committee's chairman of the District of Columbia and Agriculture Subcommittees.

"The job of being a Congressman isn't what it was when I served on Capitol Hill," said the chief justice. "There are so many more ramifications now to each piece of legislation. Despite all of the complexities of the Federal Government, the fact still remains that a Congressman must put on the appearance of being a personal errand boy."

During his tenure on the Hill, Representative Simmons became a close friend of Republican Presidents Calvin Coolidge and Herbert Hoover. The chief justice's opinion of the two:

President Coolidge: "He was a deeper thinker than most people gave him credit for being. The time will come when people will know him as one of America's great Presidents. He was able to assign work of the White House so he didn't have to carry all of the burden himself."

President Hoover: "He is one of the few really great men that America has produced. He has great intelligence and is great because of his ideals. His difficulty in the Presidency was his inability to turn some of his burdens over to others. He shouldered nearly all of the responsibilities of the job. It's too big a job for one man."

Twice when motoring across the country President Hoover was a surprise guest at the Simmons home. This surprise was a result of the depression bitterness.

Mr. Hoover felt that he could not afford to have Secret Service bodyguards. As a result, his schedules back and forth across the continent were kept secret except for two or three persons in the interior part of the country. Congressman Simmons was one of those in the know.

TWICE FOR SENATE

Congressman Simmons was retired by the voters in the 1932 Democratic-New Deal landslide. Terry Carpenter, of Scottsbluff, was the winner.

Mr. Simmons returned to Nebraska and decided to open a law office in Lincoln. But the political bug got the best of him and 2 years later he ran and lost in a U.S. Senate race against Edward R. Burke, of Omaha.

In the 1936 Senate race he ran against Terry Carpenter, Democratic nominee, and the New Deal-backed Republican-turned-independent, George W. Norris. Mr. Norris was the victor.

When he filed for the nonpolitical office of chief justice in 1938, Mr. Simmons stated: "Judges must act without partisanship and without partiality. I pledge that as chief justice I will do my full part to maintain the high standards of the judiciary of this State, to strengthen the relation of the courts with the public and to render full and impartial service."

The primary race was probably the most spirited for a judge's post in the State's history. Eight candidates filed but in the final tabulation, Justice Simmons and former Attorney General C. A. Sorensen (father of Ted Sorensen) were nominated.

AN EFFICIENT COURT

In the general election Mr. Simmons once again faced the influence of Senator Norris, who strongly favored Mr. Sorensen, his campaign manager during the 1936 election.

The tide apparently was changing from the Senator because Mr. Simmons won a smashing victory, 214,604 to 185,165.

The chief justice's only other opponent during his 22 years on the bench was Paul I. Manhart, who ran against Mr. Simmons in 1944. Mr. Simmons won the election by the near-record margin of 347,842 to 97,342.

Nebraska's seven-man supreme court is recognized by attorneys the Nation over as one of the most efficient in the land. In the years that Justice Simmons has sat on the bench, the judicial process has speeded up.

One result of the speedier process, according to the chief justice, is that fewer cases are appealed to the supreme court. In the past, it was customary to appeal a damage suit verdict and then try to make a better settlement with the plaintiff during postponement. Such legal tactics are no longer effective.

The chief justice tries to be as clear and concise as possible in his opinions. The American Bar Association Journal a few years ago asked him to express himself on how to write better opinions.

He wrote: "What must be the content of an opinion? It must state: First, the facts of either pleading or evidence, or both; second, the issues presented for decision, and, in some but not all cases, how those issues arise; third, the applicable law, and where not already definitively declared, the statement of sound fundamental principles and the necessary reasoning leading from those principles to the conclusion embodied in the judgment of the court; and fourth, the decision reached.

"The opinion should contain facts, issues, law, reasons, and decision with sufficient detail, exactness and clarity to enable the profession to determine, from the opinion, without too much effort, just what has been decided and why."

PATTERN OF OPINIONS

To back what he believes, Chief Justice Simmons' opinions generally follow a pattern:

The nature of the case and the ultimate result arrived at by the court are stated in the opening paragraph.

Then in orderly sequence the four parts of the opinion are developed.

The opinions are short, clear and readable.

They very seldom contain elaborate footnotes.

The chief justice's hobby for years has been the Cornhusker Boys and Girls State which were started at his insistence.

His best advice to these young people who meet to operate a mock State government every summer was given in a 1946 talk. He told the boys and girls: "Don't be afraid to get dirt under your fingernails."

AN INVITATION TO CONTROVERSY

Mr. HRUSKA. Mr. President, Roderic B. Crane occupies the Frederick W. Kayser chair of economics at the University of Omaha. He is a distinguished member of the faculty of that enterprising and growing institution.

From time to time, Professor Crane has published the Frederick W. Kayser papers under the title "An Invitation to Controversy," taking as his text the admonition of William Hazlitt that, "When a thing ceases to be the subject of controversy, it ceases to be a subject of interest."

The latest in this series of papers, published in December, is called "I Was Afraid" and takes its title from the Book of Matthew and the account of the servant who buried the talent his master had entrusted to him because, "I was afraid."

In modern economic terms, the ancient parable's conclusion is paraphrased:

For unto every producer that innovates, it shall be given and he shall have abundance; but from him that risketh not shall be taken away by competition even that which he hath.

Professor Crane has written a challenging defense of the private enterprise system.

Mr. President, I ask unanimous consent that the paper be printed in the RECORD.

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

I WAS AFRAID

(From "An Invitation To Controversy," by Roderic B. Crane, the Frederick W. Kayser professor of economics, the University of Omaha, Omaha, Nebr.)

Caught between a 1962 bear market in stocks and a sluggish rate of national growth President Kennedy has cried out for more sophisticated answers to our economic problems. High on the list of solutions proffered by the intelligentsia both in and out of Government was that of a tax cut. Then began the debate as to who should be the chief beneficiary of this governmental largess, the corporation or the individual taxpayer. Persons motivated mainly by humanitarian impulses would bestow the benefits on the individual, particularly the ones in the lower- and middle-income brackets. This is in accord with the classical ability to pay principle which was the original justification of income-tax theory.

It is the purpose of this paper to argue in favor of extending the greater portion of the proposed tax relief to the corporation and to the higher brackets of the personal income tax. In so doing, the author hopes to avoid heating up the ancient issue favoring the rich over the forgotten man or the oppressor versus the oppressed. The premise for this position lies deep in the basic nature of man and is so old and enduring as to have been set forth in an oft quoted parable in the Scriptures.

AN UNSOPHISTICATED VIEW

In the Book of Matthew, we are told of the man traveling into a far country who called his own servants and delivered unto them his goods. And unto one he gave five talents, to another two, and to another one; to every man according his several ability. Then he that had received the five talents went and traded with the same and made them other five talents. But he that received one went and digged in the earth and hid his lord's money. When the lord returned and called his servants for the reckoning, the slothful servant advanced a most revealing excuse for not doubling the lord's investment as did the other servants,—"I was afraid." The parable closes with this pronouncement, "For unto every one that hath shall be given and he shall have abundance; but from him that hath not shall be taken away even that which he hath."

This stern retribution could easily impress a reader as extremely harsh and unfair unless interpreted in the light of what is now known as the principle of free private enterprise.

THE DICHOTOMY OF GAIN

Man at his best is creative. This creativity goes on all about us. It is expressed not only by the poet, the sculptor, and the author, but by the householder who lays out his garden, the wife who arranges a bouquet, and the whistling boy along the road. Hardly any aspect of human endeavor is devoid of creativity and surely not the world of production where goods and services since the beginning of mankind have found their origin in the innovating mind of the entrepreneur.

What the egalitarian seems to forget in his search for an economic utopia is that while innovation and invention may be quite spontaneous and free from the profit motive, the practical development and utilization of inventions likewise requires creativity but in quite a different context. It is creativity plus money capital, both being essential ingredients in the development of any productive entity. The possessor of wealth is always confronted with a dilemma. Shall he risk his capital in the hope of gain or shall he play safe as the slothful servant when he hid it in the earth. If the latter course is adopted, society itself is the loser, for progress is forfeited, the economy becomes stagnant, and eventually may even decline.

THE SIMPLE ARITHMETIC OF TAXATION

Writing years ago in Newsweek, Ralph Robey illustrated the barrier which our tax policy erects against investment in new enterprise. He cites this case:

"Suppose 10 men, each with a $50,000 income, contribute $100,000 each of capital to form a new corporation. Suppose in the first year the corporation earns a 10-percent profit—which mighty few do—and pays the entire profit out in dividends.

"What profit do these investors realize?

"After paying taxes, corporate and personal, each gets back $1,500 on his $100,000 investment.[1]

"This is at the rate of 1½ percent—or only about half as much as a Government bond pays.

"And if he has only a $5,000 income to start with, the new investment will still pay him less than 4 percent.

"There is something more involved than the remedy of taxing the rich in order to distribute prosperity all around.

"For that remedy taxes the rich out of the investment field, and the not-rich along with them. It taxes enterprise to death. It taxes the workers out of jobs. It limits production."

No wonder so many cautious investors hiding their wealth in low risk municipal and Government bonds or in idle cash balances in the banks are saying with the slothful servant, "I was afraid."

Throughout history, perceptive minds (not just greedy capitalists) have sought "the open sesame" to national affluence and prosperity. Writing in 1723, Bernard Mandeville includes the following commentary on his "Fable of the Bees":

"The great art to make a nation happy, and what we call flourishing, consists in giving everybody an opportunity of being employed; which to compass, let a government's first care be to promote as great a variety of manufactures, arts, and handicrafts as human wit can invent; and the second to encourage agriculture and fishery in all their branches, that the whole earth may be forced to exert itself as well as man. It is from this policy and not from the trifling regulations of lavishness and frugality that the greatness and felicity of nations must be expected. The enjoyment of all societies will ever depend upon the fruits of the earth and the labor of the people; both which joined together are a more certain, a more inexhaustible and a more real treasure than the gold of Brazil or the silver of Potosi."

SOMBER STATISTICS

The actual weight of the heavy hand of taxation may be gaged by a few overall statistical facts and also by a comparison of our tax structure with that of foreign governments.

The American system of Federal taxation is notable for its emphasis on taxes on income.[2] Roughly 85 percent of our tax receipts come from this source as compared with 65 percent in other major countries.

Our personal income tax produces over 45 percent of our Federal tax revenues, whereas in Germany and France the proportion is 21 percent and 17 percent respectively.

Of special significance is the matter of maximum rates on additional income. This may be considered an index of the extent to which a nation will go in discouraging people from earning additional income due to the progressive severity of the "tax bite." Our maximum rate of 91 percent is the highest in the world, as compared with France and Germany, which are 71 percent and 53 percent respectively. Such a rate could perhaps be defended if it produced ample revenue. The facts are much to the contrary. In 1960, 86 percent of income tax receipts came from the initial 20 percent bracket to which all taxpayers are subject, while the entire progressive portion produced only 14 percent of the yield.[3] It is estimated that a flat rate of 23.3 percent on all taxable income would produce the same revenue as the present steeply graduated rates.

Comparisons with other countries as to taxation of corporations likewise emphasize our harsh treatment of risk taking. Examination of the rates on undistributed profits shows the United States to have the highest

[1] Tax rates have eased slightly since this was written.

[2] The alternative area for taxation is that of consumption i.e., sales and excise taxes.

[3] Monthly Economic Letter, First National City Bank of New York, November 1962.

in the world. We are also out of step in the taxation of corporate profits paid out as dividends to stockholders. This income is taxed twice, first as corporate income at a 52 percent rate and then as personal income when it reaches the hands of the stockholder. Most foreign governments allow a generous credit (up to 38.75 percent) to the individual stockholder, whereas our meager credit of 4 percent has been much criticized by those who feel that there is something amoral about corporate dividends. Since corporate annual reports reveal an ever-increasing trend toward ownership both direct and indirect by small investors, this attitude, a carryover from the so-called robber baron days of the nineties, has been peculiarly unresponsive to reality.

HOW ABOUT UNDERCONSUMPTION?

There is a large class of economic thinkers who hold that the first step to greater national prosperity is the elimination of underconsumption or the tendency of consumer spending to lag behind personal income due to the current affluent condition of society. They would tax the tardy spenders (the rich) and reward the ready spenders (the poor) with a variety of benefits calculated to enhance general welfare. It is even argued that dollars spent by the Government circulate faster than privately held dollars because the marginal propensity to consume for the Government is 100 percent, whereas private propensities to consume fall far short of this desideratum. Such is the theoretical background for tax relief to the low income brackets as a stimulus to the economy.

Careful consideration of this argument leads one to concede the mathematical validity of the proposition regarding the varying marginal rates of consumption. It should also be conceded that when the country is in need of a crash program for recovery or a quickie stimulus this path to prosperity is probably shortest in point of time. This paper is not, however, making any attempt to cover the vast array of emergency measures available to our Government in the event of a serious depression. Instead, the attention has been directed toward a basic philosophy which would be conducive to higher levels of employment and income and a more satisfactory rate of growth than we have experienced in recent years.

THIS FROM LORD KEYNES

To return to our theme, the impact of fear on financial decisions, let us read what a great underconsumptionist has to say about the importance of optimism in the business milieu. Writing in the influential "General Theory,"[4] Lord Keynes says:

"If the animal spirits are dimmed and the spontaneous optimism falters, leaving us to depend on nothing but a mathematical expectation, enterprise will fade and die * * *.

"This means, unfortunately, not only that slumps and depressions are exaggerated in degree, but that economic prosperity is excessively dependent on a political and social atmosphere which is congenial to the average businessman. If the fear of a Labor Government or a New Deal depresses enterprise, this need not be the result either of a reasonable calculation or of a plot with political intent; it is the mere consequence of upsetting the delicate balance of spontaneous optimism."

CONCLUSIONS

The analysis comprising this paper may be summarized as follows:

1. Production of goods and employment of labor requires the permanent commitment of capital.

2. This venture capital involves varying degrees of risk of loss.

3. The decision to invest is a process of calculating the chances of success.

4. This decision, being based on expectation, is more a psychological reaction than a mathematical process.

5. Taxes bearing heavily on production inhibit risk taking, and thereby retard long-term industrial growth and job opportunities.

MATTHEW IN MODERN TERMS

The stern conclusion of the parable of the slothful servant becomes directly applicable to the major economic problem of our times when paraphrased as follows: "For unto every producer that innovates it shall be given and he shall have abundance, but from him that risketh not shall be taken away by competition even that which he hath."

[4] "General Theory of Employment, Interest and Money," John Maynard Keynes.

The PRESIDING OFFICER. Is there further morning business?

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

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

AMENDMENT OF RULE XXII—CLOTURE

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which the clerk will state by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 9) to amend the cloture rule of the Senate.

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

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

The PRESIDING OFFICER. The Senator from Georgia will state it.

Mr. RUSSELL. As I understand rule VII—I believe that is the rule, although I do not have it before me at the moment—this matter is laid down automatically as business coming over from yesterday. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. RUSSELL. It is now before the Senate and is a debatable issue?

The PRESIDING OFFICER. The Senator is correct.

Mr. RUSSELL. If the resolution is debated until 2 o'clock, it then will be the duty of the Chair to send the resolution to the calendar. Is that correct?

The PRESIDING OFFICER. Under the precedents of the Senate, that would be the case.

Mr. JAVITS. Mr. President, will the Senator from Georgia yield to me for a parliamentary inquiry?

Mr. RUSSELL. I yield.

Mr. JAVITS. In applying the rules of the Senate to the resolution, insofar as the Chair chooses to apply the rules, I ask the Chair whether the Chair is making any decision upon the question of whether the Constitution of the United States applies or does not apply to this issue? I ask that question because yesterday the Vice President ruled that he would submit any such constitutional question to the Senate. I wish to make certain that in answering this parliamentary inquiry that question is not being foreclosed.

The PRESIDING OFFICER. This matter involves the Senate rules. The clerk will read a memorandum prepared for the guidance of the Chair.

Mr. RUSSELL. I will be glad to concede that no parliamentary inquiry can possibly change the Constitution of the United States or affect the constitutional right of any Member of the Senate.

Mr. JAVITS. Or the answer thereto.

Mr. RUSSELL. Or the answer thereto.

Mr. JAVITS. I thank the Senator.

Mr. RUSSELL. We have gone a long way in this body in striking down the Constitution, but we have not gone so far as to say that a ruling by the Chair will change the Constitution. I hope my friend from New York will not launch a campaign to bring that about.

Mr. JAVITS. Not at all; on the contrary.

The PRESIDING OFFICER. The clerk will read the memorandum.

The legislative clerk read as follows:

AMENDMENTS OF THE RULES

Senate Resolution 9, by Mr. ANDERSON (for himself and Mr. MORTON) to amend the cloture rule of the Senate, submitted on January 14, upon objection being made to its immediate consideration, was ordered to lie over 1 day under the rule.

Rule VII provides for the consideration of morning business. On December 17, 1885, the Senate adopted the following order:

"*Ordered*, That until otherwise ordered, the Chair shall proceed with the call for resolutions to be newly offered before laying before the Senate resolutions which came over from a former day." (S. Jour. p. 102, 49th Cong., 1st sess.)

Therefore action is taken by the Senate on the resolution under the provisions of rule VII, and it should be laid before the Senate prior to the conclusion of morning business, the Senate having adjourned.

When laid before the Senate it is debatable and subject to the usual motions that may be made during the consideration of a matter. If not disposed of at the end of the morning hour (2 o'clock p.m. today), it will go to the calendar, under the precedents of the Senate and, having gone over a day, a motion to proceed to its consideration is in order and debatable. If such motion is agreed to, the resolution is before the Senate for whatever action the Senate might desire to take.

Mr. ROBERTSON. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield to the Senator from Minnesota for the presentation of a substitute for the resolution which is before the Senate, with the understanding that I will not lose my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Minnesota will state it.

Mr. HUMPHREY. What is the pending business?

The PRESIDING OFFICER. The pending business is Senate Resolution 9.

Mr. HUMPHREY. Mr. President, I send to the desk and offer an amendment in the nature of a substitute. The amendment is offered on behalf of myself and the senior Senator from California [Mr. KUCHEL], the Senator from Illinois [Mr. DOUGLAS], the senior Senator from New Jersey [Mr. CASE], the Senator from Hawaii [Mr. FONG], the Senator from West Virginia [Mr. RANDOLPH], the senior Senator from Pennsylvania [Mr. CLARK], the senior Senator from New York [Mr. JAVITS], the Senator from Michigan [Mr. HART], the junior Senator from New York [Mr. KEATING], the junior Senator from New Jersey [Mr. WILLIAMS], the junior Senator from Pennsylvania [Mr. SCOTT], the junior Senator from California [Mr. ENGLE], and the Senator from Maryland [Mr. BEALL].

The PRESIDING OFFICER. The amendment will be read.

The LEGISLATIVE CLERK. It is proposed to strike out all after the resolving clause and insert in lieu thereof the following:

3. If at any time, notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, a motion, signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this section, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the fifteenth calendar day thereafter (exclusive of Sundays, legal holidays, and nonsession days) he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without further debate, submit to the Senate by a yea-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

And if that question shall be decided in the affirmative by a majority vote of the Senators duly chosen and sworn, then said measure, motion or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

Thereafter, debate upon the measure, motion or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions with respect thereto, shall be limited in all, unless additional time is provided in accordance with this rule, to not more than one hundred hours, of which fifty hours will be controlled by the majority leader and fifty hours will be controlled by the minority leader. The majority and minority leaders will divide equally the time allocated among those Senators favoring and those Senators opposing the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and the motions affecting the same: *Provided, however,* That any Senator so requesting shall be allocated a minimum total of one hour. It shall be the duty of the Presiding Officer to keep the time. The above provisions for time in this paragraph are minimum guarantees and the motion to bring the debate to a close may specify additional time for debate. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

Mr. HUMPHREY. Mr. President, the text of the amendment is the same as the text of Senate Resolution 10, which I submitted yesterday. Do I correctly understand that the pending business before the Senate, with the offering of the amendment, will be the amendment offered on behalf of myself, the senior Senator from California [Mr. KUCHEL], and the other Senators whose names have been read?

The PRESIDING OFFICER. That will be the pending question.

Mr. HUMPHREY. I thank my good friend from Virginia for his courtesy, which is customary with the distinguished Senator.

Mr. ROBERTSON. Mr. President, in my humble opinion, there is no necessity whatever for changing the cloture rule of the Senate, and it is most unfortunate that some of those favoring a change are willing to go to the extreme of saying that the Senate is not a continuing body. On the contrary, the Senate that was organized in 1789 has never died.

Evidence that the Senate was intended to be a continuing body and has so functioned throughout its history is so overwhelming that I am frankly surprised that we find it necessary to argue the point again at this time.

It is true that in January 1957 Vice President Nixon, who made no secret of his interest in having our rules changed to facilitate the passage of civil rights legislation, offered an informal opinion that Senate continuity is of limited application and that the Senate was not bound to respect a standing rule permitting unlimited debate on proposals to change the rules. The Senate chose not to take up that isolated challenge, and I had hoped we would continue to accept the theory of former President Buchanan, who said the Senate had existed as a permanent body since the day of its meeting in 1789 and would continue so to exist as long as the Government should endure.

However, since the question has been raised again, I wish to take my position emphatically on the side of the framers of our Constitution, of several former Presidents, of innumerable Members of this body, of distinguished historians and writers on the theory of government, and of at least two Supreme Court decisions, all holding that the Senate is a continuing body with rules that survive intact from one session to the next, subject to change only under terms which the rules themselves provide. That is now spelled out in Senate rule XXXII, which provides:

BUSINESS CONTINUED FROM SESSION TO SESSION

1. At the second or any subsequent session of a Congress, the legislative business of the Senate which remained undetermined at the close of the next preceding session of that Congress shall be resumed and proceeded with in the same manner as if no adjournment of the Senate had taken place; and all papers referred to committees and not reported upon at the close of a session of Congress shall be returned to the office of the Secretary of the Senate, and be retained by him until the next succeeding session of that Congress, when they shall be returned to the several committees to which they had previously been referred.

The second paragraph of Senate rule XXXII reads as follows—and I emphasize and underscore the essence of this language, because it is what we are now discussing:

2. The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

I take this position not for reasons of expediency, with respect to legislative objectives, but because I am convinced that to give up the concept of the Senate as a continuing body will undermine a cornerstone of our Government and will threaten the foundation of State sovereignty and States rights on which our Federal Union was founded.

In my discussion, I shall review the traditions of the Senate and the history underlying them; I shall point to features of our organizational structure which are characteristic only of continuing bodies, and I shall quote from only a few of the many authorities I have examined who, over the years, have reiterated their conviction that the Senate never dies.

It is my hope that this recitation of facts will convince any doubting colleagues of the wisdom of Woodrow Wilson when he said, in his authoritative book on "Constitutional Government in the United States," page 127, that—

The continuity of the Government lies in the keeping of the Senate more than in the keeping of the Executive, even in respect of matters which are the especial prerogative of the Presidential Office.

The Committee on Rules and Administration of the Senate, on May 12, 1953, in reporting on Senate Resolution 20, stated:

Traditionally the Senate was created as a curb upon hasty action by the House of Representatives. It is a continuing body with one-third of its membership elected every 2 years, whose Members, moreover, come from component parts of the Union.

To understand how true that simple statement is we must examine the history and traditions of this body.

WHAT OUR FOUNDING FATHERS INTENDED

The supreme objective of our Founding Fathers was to create a more effective union, without conferring upon the new Federal Government enough power to destroy the sovereignty of the States. The keystone of that arch was the Senate, only one-third of which would be elected every 2 years, as compared with the election every 2 years of the entire House membership. The need for maturity and experience in the legislative branch of the Government influenced the decision with respect to the continuity of the Senate. Alexander Hamilton, in letter No. 63 of the Federalist, referred to this point in clear and unmistakable terms, when he said that the House of Representatives, elected for the short term of 2 years, should not be answerable for the final result of matters on

which the general welfare may essentially depend. Then he added:

The proper remedy for this defect must be an additional body in the legislative department, which, having sufficient permanency to provide for such objects as require a continued attention and a train of measures, may be justly and effectually answerable for the attainment of those objects.

John Jay's Federalist Letter No. 64 is to the same effect. In writing about the Convention's deliberations concerning Senators, he stated that it was felt that—

They should continue in place a sufficient time to become perfectly acquainted with our traditional concerns and to form and introduce a system of the management of them. The duration prescribed is such as will give them an opportunity of greatly extending their political information, and of rendering their accumulating experience more and more beneficial to their country.

Nor has the Convention discovered less prudence in providing for the frequent elections of Senators in such a way as to obviate the inconvenience of periodically transferring these great affairs entirely to new men—for, by leaving a considerable residue of old ones in place, uniformity and order, as well as a constant succession of official information, will be preserved.

In the Federalist No. 63 another pertinent statement appears:

The necessity of a Senate is not less indicated by the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions. The mutability in the public councils arising from a rapid succession of new members, however qualified they may be, points out, in the strongest manner the necessity of some stable institution in the government.

SENATE RULES HISTORY

That the framers of the Constitution intended that the Senate be a continuing body is clearly indicated by article II, section 2, of the Constitution, which says:

The President shall have the power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Note that the reference is to a recess and the next meeting of one and the same Senate, not to appointments which will go to a new Senate. This principle applies to several of its continuing powers, such as treaty-ratifying powers and committee hearings between sessions of Congress; and those closest to the framing of the Constitution applied it to standing rules of procedure of the Senate—a precedent that never has been violated.

Except for a brief interval in the War Between the States, action on Senate rules limiting debate has been taken only three times in the last 152 years. In 1917, Senator Thomas S. Martin, of my own Commonwealth of Virginia, submitted a resolution which became rule XXII, and which remained in force until the Wherry-Hayden amendment was adopted in 1949.

Mr. HILL. Mr. President, at this point will the Senator from Virginia yield?

The PRESIDING OFFICER (Mr. EDMONDSON in the chair). Does the Senator from Virginia yield to the Senator from Alabama?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that the situation in the Senate and in the Congress was very different at the time when rule XXII was established, as compared with the situation today? Is it not true that when rule XXII was established, every other session of Congress died automatically, under the Constitution, on March 4; and is it not also true that it did not then lie within the power of the Senate or the power of the Congress to continue after March 4, when the Congress died automatically, under the Constitution?

Mr. ROBERTSON. That is true. When the Constitution was changed, so as to start the presidential term in January and to have Congress meet—unless a different date was set—on the third day of January, we said we were going to limit the length of time during which Congress would be in session. However, instead of doing that, we extended the time.

The only exception to what my friend has said is this: Under the old rule, there were occasions when the President would call the Senate into special session. For example, that was done by President Woodrow Wilson in 1913.

Mr. HILL. Yes.

Mr. ROBERTSON. My distinguished predecessor, Carter Glass, then a Member of the House, had secured in the House the passage of his bill to create the Federal Reserve System. The House passed the bill, and adjoined sine die. The bill then came to the Senate, and was referred to the Finance Committee, the chairman of which was hostile to the bill. He would not take it up; and the Senate adjourned sine die, without passing it.

President Woodrow Wilson then called the Senate into special session; and the Democrats, being in charge, created a new committee, called the Banking and Currency Committee, and put at its head one of the great statesmen of our Nation, Robert Owen, of Oklahoma, an outstanding authority on all fiscal matters, especially the laws relating to the banking of the Nation.

He organized that committee, and held the hearings. He put that bill through the Senate, during the special session, when the House was not in session. Why? Because the Senate was a continuing body; it never dies. President Wilson—like other Presidents in the past—called the Senate into special session; and it wrote one of the truly great financial acts of our Government, the one creating the Federal Reserve Board, which since then has had charge of the stabilization of our currency, and has affected very greatly the economy of the Nation.

Mr. HILL. Mr. President, will the Senator from Virginia yield again?

Mr. ROBERTSON. I yield.

Mr. HILL. But is it not a fact that now the Senate and the Congress may remain in session as long as they see fit—for month after month—whereas, under the Constitution, before the adoption of the so-called lameduck amendment, every other year the Congress automatically came to an end and automatically adjourned sine die at midnight on March 4?

Mr. ROBERTSON. Yes; the time ran out, and the Senate and the House could no longer remain in session.

Mr. HILL. Yes.

Mr. ROBERTSON. But now we can remain in session as long as we wish. For example, last year we remained here until October 13—much to my disgust; but I could not control that situation.

When we changed the Constitution, believing that we were going to shorten the legislative period of the Congress, we left the point in our discretion. We have not done well in exercising that discretion from the standpoint of expediting action to be taken.

The rules were first changed to place a limitation on debate when we were facing the great war emergency in 1917. President Wilson thought there was an absolute necessity to get prompt action on a bill relating to the merchant marine. It turned out afterwards that he had the power to act anyway.

Two years prior to the 1917 change, the eminent Senator Elihu Root, of New York, delivered a masterful address on the Senate as a continuing body and the wisdom of unlimited debate—February 15, 1915, CONGRESSIONAL RECORD 3793—in which he said:

The Senate is a continuous body and its rules once adopted continue until they are changed.

The Senator from Kentucky, Mr. James, had asked:

Shall we be bound by these old dead hands?

Root answered:

Yes, unless we see fit to change the rule. Nor is it the dead hand alone that binds us; it is the observance and recognition of the rule at every session of the Senate for these 108 years. Bound by the men of a hundred years ago? No; bound by all the great and patriotic and wise and able men who have made the Senate of the United States for that century.

The Senate not a continuing body? Why, sir, what happened here 2 years ago come the 4th of March? It was here in the Senate of the United States you were inducted into office. What happens when Congress adjourns? The House goes out of existence; there is a new House, and until that House is organized the statute says the Senate Committee is the Joint Committee of Congress on the Library. No reorganization is required.

The distinguished Senator from New York added:

The purpose of rules is to establish a course of conduct which shall be a protection to the minority and preserve them in the performance of their duties against arbitrary repression on the part of the majority. And, sir, there is no right of liberty in a republic more essential and vital than is the preservation and the protection of the minority in the performance of their duty.

Otherwise, sir, why are we here at all? Why should not all of the members of the minority go to their homes?

At the time that Senator Elihu Root was speaking, the Republicans were in

the minority. Continuing to read the statement of Senator Root:

> But, sir, if you do that there is an end of representative government; if you do that there is no occasion for the majority. If they destroy the functions of the minority they equally destroy the functions of the majority for they cannot perform the duties of representative government by holding a secret conclave.
>
> Sir, the only protection for this system of government by representation is to be found in these rules.

For the first time in its history the fact that the Senate is a continuing body was officially challenged from the Chair in an opinion of Vice President Nixon delivered in January 1957, in which he said:

> Any provisions of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional. It is also the opinion of the Chair that section 3 of rule XXII in practice has such an effect.
>
> The Chair emphasizes that this is only his own opinion because under Senate precedents a question of constitutionality can only be decided by the Senate itself. (CONGRESSIONAL RECORD, vol. 103, pt. 1, p. 178).

The Senate did not vote on the point of constitutionality, as the motion to lay on the table the proposal to amend the rules carried.

The Vice President in his statement of January 4, 1957, admitted that there is a great volume of written comment and opinion to the effect that the Senate is a continuing body with continuing rules. He said:

> The constitutional provision under which only one-third of the Senate membership is changed by election in each Congress can only be construed to indicate the intent of the framers that the Senate should be a continuing parliamentary body for at least some purposes.

I underscore that comment.

The Vice President continued:

> By practice for 167 years the rules of the Senate have been continued from one Congress to another.

The Vice President, however, then stated that the provision of the Constitution that each House may determine the rules of its proceedings bothered him and he said that section 3 of rule XXII was unconstitutional. With this I disagree. It is a refutation of the traditional concept of the continuity of the Senate, a refutation of the clear intent of the framers of the Constitution that the Senate be a continuing body, not for some purposes as claimed by the Vice President, but for all purposes. As a continuing body we have adopted rules of procedure to fit our unique legislative functions. Those rules are constitutional and they are binding on us today.

The 1957 advisory opinion of Vice President Nixon to the effect that the Senate is not a continuing body was delivered for the obvious purpose of facilitating the adoption of new Senate rules in order to promote passage of civil rights legislation, but the effect then and the effect today would be to undermine and ultimately destroy the powers of the Senate to protect State sovereignty and personal liberty.

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

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that in protecting the sovereignty of the States and States' rights the great impelling thought and concern of the Founding Fathers who wrote the Constitution was what the Senator said about the personal rights and liberties of individual citizens?

Mr. ROBERTSON. Absolutely. As I shall point out later in my discussion, in Virginia, New York, and North Carolina, questions were raised as to whether the rights of individual citizens were being impinged by the Constitution. Patrick Henry said that the proposed Constitution wiped out the right of trial by jury, freedom of the press, and gave to the Federal Government the power of the sword and the purse. He stated also that freedom has never been preserved when we have given up those two things.

To get the Constitution ratified what did the Founding Fathers have to do? They had to propose 10 amendments. They had to insert in the Constitution everything that Patrick Henry accused them of having omitted, including freedom of speech and the press and religion, in the first amendment, and the right of trial by jury in the seventh amendment. The ninth amendment provided:

> The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

The 10th amendment provided:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

All those provisions had to be included in the Constitution. The Senator from Alabama is correct. The Senate was created not alone to protect States rights.

Many people have said, "When you talk about civil rights you are talking about only the racial issue."

We are talking about personal liberties now. We should stop talking about States rights. That is what the fight was about in 1861. The States had a right to secede. There was not any doubt about that. A member of Lincoln's Cabinet said, "Why not let those five States go?" and it was said, "We cannot afford the economic loss."

There was an organization in Massachusetts called the Abolitionists. They merged with the Republican Party, and later they were called the "black Republicans." That is how they started. What did they want to do? When Virginia wanted to abolish slavery in the Constitution, Massachusetts said, "We will walk out if you insist on that." Why?

They were hauling slaves. It was a pretty good business.

Then the Abolitionists came along. What did they say about the slave issue? They said, "The only way to do is to fight them." What did they adopt as their theme song? It was one which related the killing of southern slave owners with the death of Christ on the cross—"as he died to make men holy let us die to make men free—so come on boys, let's go down south and kill them off."

That was States rights. We do not want to talk now about States rights. Let us talk about personal freedom, because that is what is really involved.

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

Mr. ROBERTSON. I yield.

Mr. TOWER. Does not the Senator agree that it was the intent of the framers of the Constitution to provide for the protection of minority rights? Did not the great gentleman from the fine State of Virginia, Thomas Jefferson, once say that the will of the majority is in all cases to prevail, but that will, to be right, must be reasonable?

Mr. ROBERTSON. That is correct; he certainly did. He also said:

> In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

We thought we had them bound, but they are getting loose every day. The Supreme Court takes the 14th amendment as an excuse to override any State law it pleases. The Court nullified a law only yesterday—a Virginia law, which related to whether an organization could set itself up and urge people to litigate and say, "Come to us; we will furnish some of the money and counsel for the case."

White southern lawyers have never tolerated that at all. Virginia passed a law that the NAACP could not do it. I give thanks to two or three justices who did not go along.

But they use the 14th amendment, and out goes any law that a majority of the Supreme Court does not like.

When it comes to the question of spending, the Supreme Court has held that Congress can spend anything it pleases, and all it has to do is to say by implication or in the debate that the general welfare is involved; and then it is said, "Mister, there are no limitations and no restraints on what to spend for."

The President can even issue an edict. He provided a "little FEPC" for all Government contracts and put $520,000 in the last budget, spread over 11 departmental bills, to enforce it. We turned down the FEPC proposals in the Congress and refused to adopt racial amendments in housing legislation, yet last fall the President issued the edict that there cannot be any segregation in FHA, VA, public, and urban renewal housing.

A lot of people are not content with that. They want him to go further and say, "If the Government insures an account in a bank or a savings and loan association, there is enough control to tell the man who borrows from that institution to whom he can sell." They want him to issue another edict and bring these matters under Federal control.

I am pointing out how we are eroding the Constitution, pulling out first one cornerstone and then another. This is one of the processes of doing it.

As I point out, had it not been for the agreement that there would be two

branches of the Congress—one elected by the people every 2 years, responsive immediately to popular clamor; the other a continuing body, in which the little State of Delaware would now have an equal vote with the great States of Texas and New York—there would not have been any union. We would not have had it.

That was known as the great compromise. That is what is at stake now. It was difficult to effectuate that purpose of the equality of the treatment of States and of the people dependent upon the States for the preservation of their personal freedom. Therefore, first, the Senate was made a continuing body and, second, the rules of debate were made very reasonable, so that if a Senator felt a conviction that the interest of his constituency, however small it might be out of the total, was involved, he could stand on the Senate floor and adequately explain the problem.

That was known as the great compromise.

VIEWS ON CONTINUITY A CENTURY AGO

Some of the most direct statements on the Senate being a continuing body were made in 1841 in the controversy over the Senate printers. The Senate in the 26th Congress had elected printers on February 20, 1841, as its printers for the succeeding Congress. On March 4 of that year the political complexion of the Senate changed. The Senate organized by reelecting its President pro tempore and sat in special session until March 14.

Again I mention the fact that the Senate sat in special session. The House had adjourned sine die and was not in session after March 4. The Senate sat in special session because the Senate is a continuing body.

On March 4 a resolution was introduced to dismiss the printers. Irrespective of the Senate's right to dismiss printers for cause, contractual or otherwise, the debate involved as a collateral issue the continuous nature of the Senate. Some even stated that the next Senate would be a new Senate, to which Senator Allen of Ohio replied, according to the Congressional Globe, as follows:

> And as to the assertion that this was a new Senate, he denied the fact. The argument so much relied on this discussion and on which so much logic and reasoning had been wasted in opposition to these printers was untrue. There was no such thing as a new Senate known to the Constitution of this Republic. They might as well speak of a new Supreme Court as of a new Senate. There was a new House of Representatives. But not so the Senate. The Constitution replenishes that body every 2 years by the election of a class of Senators, and thereby gives eternity to the duration of the body. There was no new, nor was there any old Senate.

On March 8, 1841, Senator Buchanan, of Pennsylvania, later President of the United States, made a most pertinent statement, which was summarized in the Globe as follows:

> There could be no new Senate. This was the very same body, constitutionally and in point of law, which had assembled on the first day of its meeting in 1789. It has existed without any intermission from that day until the present moment, and would continue to exist as long as the Government should endure. It was emphatically a permanent body. Its rules were permanent and were not adopted from Congress to Congress like those of the House of Representatives. For many years after the commencement of the Government its Secretary was a permanent officer, though our rules now require that he should be elected at stated intervals. The Senate always had a President, and there were always two-thirds of its actual members in existence, and generally a much greater number. It would be useless to labor this question. Every writer, without exception, who had treated on the subject had declared the Senate to be a permanent body. It never dies; and it was the sheet anchor of the Constitution on account of its permanency. Senators were thus deprived of the poor apology that one Senate had no right to bind its successors. (Congressional Globe, 26th Cong., 2d sess., V. 9, p. 240.)

It may be noted in this controversy in which the printers were ultimately dismissed, that Senator Henry Clay, of Kentucky, although he personally was in favor of limiting debate at times as opposed to John C. Calhoun, who was a forceful and outspoken proponent of unlimited debate, voted to dismiss the printers but argued that the Senate was a continuing body. On this the Legislative Reference Division, Library of Congress, in commenting on the Congressional Globe of March 11, 1841, stated:

> But a vote to dismiss its printers was not necessarily a vote that the Senate was discontinuous. One of the Senators who advocated and voted for the dismissal, Henry Clay, of Kentucky, agreed with the opposition that the Senate was everlasting. And if the proponents of the discontinuity view were, in fact, more numerous than its opponents the reports in the Congressional Globe—wholly fail to indicate it. ("Senate Rules and the Senate as a Continuing Body," Doc. No. 4, 83d Cong., 1st sess., p. 31 appendix.)

OTHER ILLUSTRATIONS OF CONTINUITY

There are four fields that warrant special attention as illustrating the continuing nature of the Senate. These are first, officers of the Senate; second, Senate committees; third, the Senate as an executive body; and fourth, the treaty ratifying power.

Officers of the Senate serve no stated term of office. They serve until their successors are selected. Benjamin Harrison, former President of the United States and U.S. Senator, pointed this out in his book entitled "This Country of Ours," page 51. George H. Haynes in "The Senate of the United States," volume 1, page 261 points out the same thing as an illustration of the continuing nature of the Senate. Senator Anthony on March 24, 1879, while the Senate was in the process of replacing some of its officers with others along purely political lines, observed:

> The Senate never dies. The same which it was when it met in 1789, it is now, and has held continuous and unbroken existence ever since. Its officers have naturally partaken of its permanent character. Its elective officers are chosen not for a definite period, but during the pleasure of the Senate (CONGRESSIONAL RECORD, vol. 9, pt. 1, p. 147).

With respect to the President pro tempore of the Senate, there have been several significant expressions regarding the continuing nature of the Senate applying to that office. In Senate Report No. 3, 44th Congress, 1st session, page 2, dated January 10, 1876, the Committee on Privileges and Elections made a survey of the customary procedure regarding the office of President pro tempore. It cited 49 instances where the office held over after the first recess and only 4 where it did not. The report also stated:

> The custom of the Vice President to vacate the chair before the close of a session to enable the Senate to choose a President pro tempore did not begin until after the passage of the act of March 1, 1792, and was obviously instituted to met the contingency contemplated in the act by providing a President pro tempore of the Senate during the vacations of that body. the Senate in contemplation of law is a perpetual body, and the officers of the Senate are as much its officers during its vacations as during its sessions.

A resolution providing that the tenure of office of President pro tempore of the Senate does not expire at the meeting of Congress after the first recess, the Vice President not having appeared to take the chair, was unanimously adopted January 10, 1876—CONGRESSIONAL RECORD, volume 4, page 316. Senator Merriman made the following statement:

> I want to emphasize the matter. This resolution is adopted unanimously. It is a resolution that affects the organization of the body for all time to come and establishes a precedent.

Two days later the Senate adopted a resolution stating:

> The office of President pro tempore is held at the pleasure of the Senate (CONGRESSIONAL RECORD, Jan. 12, 1876, pp. 360–373).

On March 2, 1891, Senator Charles F. Manderson was elected President pro tempore to hold office during the pleasure of the Senate in accordance with the resolution of March 12, 1890—CONGRESSIONAL RECORD, volume 22, page 3637—with the intention, apparently, that his office would continue over into the following Congress. Subsequent Presidents pro tempore were regularly elected with reference to this same resolution. Numerous instances in history are cited in Gilfry's compilation "President of the Senate Pro Tempore" of those officers holding over from one Congress to the next.

I call attention to what recently happened in this body. On the first day of the session the most senior Member of this body was sworn in. I refer to Senator HAYDEN. He had been President pro tempore, but when his senatorial term expired, his office as President pro tempore also expired. So we had to reelect him as President pro tempore, since he had been reelected as a Senator. Do Senators think we are going to have to reelect him 2 years from now, or 4 years from now? Of course not. He will hold that office—and God grant that he lives—for the next 6 years. Why? Because the Senate is a continuing body, and when we elect a President pro tempore, his appointment does not die; he remains as President pro tempore, provided he does not die—and God grant that he will not.

The event of Senator HAYDEN's reelection should be fresh in the memory of every Senator. It cannot be argued against. We know how the procedure operates. Senators who were sworn in at the time Senator HAYDEN was 6 years ago know he was elected as President pro tempore, and that he has held that office for the past 6 years. He had to be reelected again. He will hold that office for another 6 years, or as long as he stays in the Senate, which I hope will be a long time.

It is a well-accepted custom that the Senate can and does order investigations, interim reports, final reports, and recommendations by its committees, without reference to the ending of one Congress or the beginning of another. Even when there is some change in the composition of the committee membership, this procedure is not affected.

I wish to call attention to the recent investigation of stockpiling between sessions of Congress. Every now and then I picked up the newspaper and learned that our distinguished colleague from Missouri [Mr. SYMINGTON] was functioning. He had found a surplus here or a surplus there, and a little touch of skulduggery, or what have you. The committee was a committee of the Senate, which never dies, so the Senator was able to continue and to complete his investigation before the new session of the 88th Congress commenced.

While the House has no such rule, the Senate has provided by rule XXV that all standing committees continue until their successors are appointed. Haynes in his treatise on "The United States Senate" not only recognizes this point but attributes the growth of Senate committee activity to it. He states, page 551:

> But increasingly, beginning with the last quarter of the 19th century, the House has seemed to be relinquishing such activities, while the Senate has been greatly expanding its exercise of the investigative function in the number, variety, and importance of its inquiries. The explanation of this remarkable shift is to be found in the contrast between the rules and procedure of the House and of the Senate.

The functions of the Senate for various executive rather than purely legislative purposes offer further arguments on behalf of continuity. The Constitution gives the Senate prerogatives in giving or withholding "advice and consent" to certain Presidential appointments and with respect to treatymaking. Prior to enactment in 1933 of the 20th amendment to the Constitution, which, among other things, abolished the so-called lame-duck sessions of the Congress and which advanced the commencement of the Presidential term from March 4 to January 20, many special sessions of the Senate as distinguished from special sessions of the Congress were convened for executive purposes.

In that connection, I have already called attention to the special session in 1913, which created the Banking and Currency Committee and put through the great Federal Reserve Act.

It is appropriate to note that, while executive nominations not disposed of in the Senate die with the Congress in which they are submitted, treaties transmitted to the Senate for ratification do not so die. Rule XXXVII of the Senate provides that all proceedings on treaties shall terminate with the Congress, but that they shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon. Thus, unless withdrawn by the President, or failing from lapse of time, a treaty continues to be live matter and, as such, continues as pending in the Senate.

CONTINUITY AS A MATTER OF LAW

Now, Mr. President, I am not unmindful of the fact that the Senate can resolve this issue as it pleases. It can close its eyes to the clear meaning of the Constitution and precedents in support thereof and its ears to all arguments as to what is best for the preservation of our democratic institution. But since many of my colleagues proclaim court decisions as the law of the land I take pleasure in citing two Supreme Court decisions that hold that the Senate is a continuing body.

In *McGrain* v. *Dougherty* (273 U.S. 135, 180–182) the Court stated:

> The rule may be the same with the House of Representatives, whose Members are all elected for the period of a single Congress; but it cannot well be the same with the Senate which is a continuing body whose Members are elected for a term of 6 years and so divided into classes that the seats of one-third only become vacant at the end of each Congress, two-thirds always continuing into the next Congress, save as vacancies may occur through death or resignation.
>
> Mr. Hinds in his collection of precedents says "the Senate as a continuing body may continue its committees through the recess following the expiration of Congress" and after quoting the above statement of Jefferson's Manual, he says: "The Senate, however, being a continuing body, gives authority to its committees during the recess after the expiration of Congress." This being so, the Senate being a continuing body, the case cannot be said to have become moot in the ordinary sense (see also Hinds' Precedents, vol. 4, secs. 4396, 4400, 4404, 4405).

The Supreme Court reiterated the doctrine of McGrain against Dougherty in the case of *Sinclair* v. *U.S.* (279 U.S. 263, 295–296 (1928)). A witness at a Senate committee hearing refused to answer a question on the grounds that the investigation and the question were unauthorized. He was prosecuted for contempt and convicted. The appeal involved the point that Congress was not in session. The Court quoted the resolution of the Senate authorizing the committee to sit after the expiration of the then current Congress and until otherwise ordered by the Senate, and stated:

> The sole purpose was to authorize the committee to carry on the inquiry. It would be quite unreasonable if not indeed absurd for the Senate to direct investigation by the committee and to allow its power to summon and swear witnesses to lapse.

The conviction was affirmed. Since the continuing nature of the Senate was a necessary point in the appeal, this case is a holding by the Court that the Senate is a continuing body. The reference thus is not merely dictum.

Both of these Supreme Court cases have been cited in numerous Federal decisions. For example, the McGrain case was cited in *Merford* v. *U.S.* (176 F. 2d 54 (D.C. 1949)) to show that the basic intent of Congress in establishing committees must be followed and in *Barsh* v. *U.S.* (167 F. 2d 241 (D.C. 1948)) on the point of a question being authorized as within the powers of a committee. The Sinclair case appears frequently in Federal citations such as in *U.S.* v. *Josephson* (165 F. 2d 82 (2d Cir. 1948)) on the point of the courts turning to congressional practice to show congressional intent. The Sinclair case, citing the McGrain case, settled the issue of Senate continuity insofar as the Supreme Court is concerned.

An analogous decision is to be found in a State court. In the New York case of *People ex rel Lazarus* v. *Coleman* (91 N.Y.S. 432, 433, 99 App. Div. 88), the question was on a writ of mandamus running against a governmental board for a wrong done by a previous board. The terms of office of board members expired at different times somewhat analogous to the U.S. Senate. The Court held that it was a continuing body and allowed the writ. The Court stated:

> The terms of office expire at different times. It is therefore a continuing body and a writ of mandamus running against the board to reinstate the relator would accomplish that result whether the board was composed of the same persons who passed the resolution resulting in his dismissal or not.

The same principle involved in this case has been upheld in the Supreme Court of the United States in the case of *Thompson* v. *U.S.* (103 U.S. 480 26 L. Ed. 521).

The legal approach and the Court decision I have cited may be summarized as follows:

First. The Constitution provides that two-thirds of the Members of the Senate shall be continuous at all times in their tenure of office, and that the President shall have power to fill vacancies "during the recess of the Senate."

That language is from the Constitution.

Second. The Senate is more than an upper House as the terms upper and lower Houses are often used historically or parenthetically. The Senate at law is assigned definite and distinct duties and prerogatives:

(a) It has the sole power to try all impeachments.

(b) It has the power to give or withhold advice and consent in the making of treaties and the nomination and appointment of ambassadors, judges of the Supreme Court, and certain officers of the executive branch of the Government.

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

Mr. ROBERTSON. I yield to my distinguished colleague from Alabama.

Mr. HILL. In the instances cited by the Senator it is necessary to have a two-thirds vote, is it not?

Mr. ROBERTSON. Absolutely, as to treaties. It is foolish to say that anything other than a bare majority is not democratic. It is not possible to convict a person who is impeached without a

two-thirds vote. It is not possible to ratify a treaty without a two-thirds vote. It is not possible to override a presidential veto without a two-thirds vote. We have that provision in a number of instances, and it is just as democratic as a majority vote, because it is all intended for the protection of the principle of liberty. For what other purpose is Government organized than for the protection of the interest of the individual?

Mr. HILL. When an amendment is proposed to the Constitution, the vote must be by a two-thirds vote in both Houses of Congress. Is that not correct?

Mr. ROBERTSON. Certainly. Then, how is the constitutional amendment adopted?

Mr. HILL. By three-fourths of the States, usually in both Houses of the 50 States.

Mr. ROBERTSON. The Senator is correct. I return now to the powers of the Senate.

(c) With the exception of bills for raising revenue, in which it may propose or concur with amendments, it may originate legislation.

Third. The Senate may constitute committees with duties and powers to operate continuously or for times certain irrespective of the beginnings or endings of the terms of Congress. This point has been litigated in the courts and the continuing nature of committees of the Senate has been clearly recognized. If it were not such a body itself, its committees could not be continuous.

Fourth. There are definitions at law of what is continuous which by comparison apply to the factual position of the Senate. In cases where courts have had jurisdiction over governmental bodies composed of members elected or appointed at different times on a successive basis such bodies at law have been held to be continuing bodies.

I submit that by all legal, factual, and traditional standards the Senate of the United States is a continuing body.

I submit, Mr. President, that by all the legal, factual, and traditional standards, the Senate of the United States is a continuing body.

Mr. President, time has fixed the true character of our Government—a Federal Union of sovereign States, with a Senate as a continuing body. How pertinent to the proposal to abandon that time-tested principle are these words from George Washington's Farewell Address:

> In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion.

If my distinguished colleagues agree with my contention that the Senate is a continuing body, and I cannot see how they can successfully refute that statement, it necessarily follows that each time a new Congress convenes, the Senate opens with all of the Senate rules of the previous Congress and not with all of them, as some would seek to contend, except rule 22, the cloture rule, which some Members now seek to amend and rule 32, which specifically provides that all rules are carried forward from one Congress to the next, which some Senators now seek to completely ignore.

Those who now seek to nullify the clear provisions of rule 32 in order to get immediate action by a majority vote on changing rule 22, make the specious claim that any rule that prohibits a new Congress from fixing its own rules is unconstitutional. In that behalf they cite paragraph 2 of section 5 of article I, which provides:

> Each House may determine the rules of its proceedings * * *.

As our distinguished leader from Georgia [Mr. RUSSELL] has repeatedly pointed out, that constitutional provision gives us absolute power—absolute power—to determine our own rules. No court can take it away from us. No Presiding Officer can take it away from us. We have the power to do this, and we have exercised it in numerous ways throughout our book of rules, laid down first by that great Virginian, Thomas Jefferson, when, as Vice President and Presiding Officer, he felt it necessary to formulate some rules for the guidance of this distinguished body. We have had them ever since. Whenever we wish to amend them, we can amend them. We can provide in those instances other than when the Constitution requires a two-thirds majority—for the ratification of treaties, the impeachment of Members, and so forth—that a majority can do anything it pleases, if that is what we wish to do.

The clear and only logical interpretation of the constitutional provision that "each House may determine its rules of its proceedings" is that the Senate not only has the power to limit debate but to fix that limitation at any figure it sees fit. At one time, the figure was two-thirds of the membership; then it was two-thirds of those present and voting, but it did not apply to a motion to take up; and now, it is two-thirds of those present and voting and applies to motions to take up as well as to bills and resolutions. Of course, the Senate has the power, as I already have said, to amend rule 22 to authorize a simple majority of those present and voting to impose cloture. But such a change must be made in accordance with the provisions which apply to all changes in Senate rules. And, as indicated, those rules do not violate the constitutional rights of any Member. On the contrary, they are expressly designed to protect constitutional rights, as I shall proceed to point out in discussing the desirability of continuing rule 22 as it is now framed.

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

Mr. ROBERTSON. I yield.

Mr. RUSSELL. First I wish to compliment the distinguished Senator from Virginia on his very able speech.

Mr. ROBERTSON. I appreciate the Senator's statement.

Mr. RUSSELL. Then I wish to ask him whether this effort to amend the rules in the manner suggested is not in flagrant violation of the committee system of the Senate of the United States. The Senator well knows that we must depend on our committees, because they are the incubators of the hatched legislation that is brought before the Senate and which the Senate considers.

The purpose, in this case, apparently is to avoid any hearings before a committee and to deny all of the 180 million people of this Nation the right to present their views to a committee of Congress. This goes to the right of petition, and it goes to the very vitals of a democratic form of government.

That is one reason why we oppose this procedure and this proposition so vigorously. We do so not only because it would institute a gag rule in the Senate of the United States, and enable a mere majority to silence opposition and preclude Senators from speaking, but also because it absolutely ignores and scorns the committee system.

Our friends argue, "Oh, every new Senator should have a right to vote on these rules." At the same time they would deny all new citizens of the United States the right to present their views to the appropriate committee of the Senate.

In this case the chairman of the Committee on Rules and Administration is the distinguished majority leader. Certainly he cannot be considered a partisan of our cause.

Here, in the name of making rules, they flout the basic rule of the Senate, that in all matters of importance the subject should first be heard by a committee, before which the people of the country may appear to state their views, and where the committee itself could give detailed study to all the facets and the impact of the change that is sought to be made. They would bring the matter to the floor of the Senate and say, "We have all these pressure groups behind us, we have these people who contributed to political campaigns behind us. We have these large blocs of voters behind us, and we will ram this through the Senate without permitting a committee of the Senate to have the opportunities even of reviewing it, or putting it in the bosom of a committee for even as long as 5 minutes."

Mr. ROBERTSON. The distinguished Senator from Georgia could not be more correct; and he illustrated the point he makes very strikingly yesterday. He said if we do not have any reference to committee for the development of testimony, to let the country know and let the press print who says what, some Senator, who did not like the way the Department of Commerce was functioning, could offer a resolution to abolish the Committee on Commerce, and ask for the immediate consideration of the resolution; and "bang," with a vote of 51 Senators, out would go the committee.

Let us put it this way: Likely bills will be offered to make it illegal for labor unions to strike when such a strike would imperil either the health or the safety of the Nation. If some partisan of organized labor did not want such bills

to be considered, he might propose that the Committee on the Judiciary or the Committee on Labor and Public Welfare—whichever committee might be concerned with the proposed legislation—be abolished, so that the Senate could not act on the proposed legislation, and the Senate might act to abolish the committee before anyone could say "Scat."

Mr. RUSSELL. Such a Senator would stand in very great danger of suffering the fate of Haman, who was hanged on the gallows which was constructed for Mordecai, because the ebb and flow of public opinion in this country has been marked since the very beginning.

It is sometimes at the extreme on one side, and sometimes the extreme on the other side. The pendulum swings from side to side.

We talk about the French being a volatile people. I dare say we are more volatile than the French. A labor leader who might be in favor of jamming a proposal through Congress without benefit of hearings might become the victim of a bypassing of committees and of the enactment of bills which would be detrimental to the fundamental rights of organized labor.

Mr. ROBERTSON. I endorse the Senator's statement. I am glad he mentioned the scaffold on which Mordecai was to have been hanged. It was a little higher than the ceiling of the Senate Chamber. He was to have been hanged so high that everybody could see him dangling there. But the man who framed that exhibition became the one who was hanged there. But the same major figure in that drama of the Jewish people—and they were going to destroy them all—gives me hope that those of us who stand on the Senate floor today, seeking to preserve the fundamental rules of the Senate, for the preservation not only of States rights in the broad sense, but also of what Webster called American constitutional liberty, may come within the category of what Mordecai said to the beautiful Esther.

And who knoweth whether thou art come to the kingdom for such a time as this?

I appreciate very much the emphasis which the distinguished parliamentarian, the Senator from Georgia, has given to the importance to the American people of the issue presented to us.

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

Mr. ROBERTSON. I yield to the distinguished Senator from Pennsylvania for a question.

Mr. CLARK. I wish to be quite candid with the Senator. I had intended before the close of the morning hour to send to the desk the same 12 proposed changes in the rules of the Senate which I offered last year, and a motion to amend rule VII, which I believe is in accordance with the procedure. It is now clear that I will not be able to get the floor before 2 o'clock in order to do that.

Mr. ROBERTSON. No; it will be a good deal later than 2 o'clock.

Mr. CLARK. I will not have an opportunity to do this except by unanimous consent. I wondered whether the Senator from Virginia and the Senator from Georgia would permit me to submit these proposals.

Mr. ROBERTSON. If the Senator's friend from Georgia does not object, his friend from Virginia will not object.

Mr. RUSSELL. If it can be shown that the procedure will pursue the normal parliamentary course and that the submitting of the proposals will in no way jeopardize the right of the Senator from Virginia to the floor, I shall certainly have no objection.

Mr. CLARK. I thank the Senator from Georgia. I would make this modification: I do not know whether this statement will affect the Senator's view or not.

Two years ago, when I followed a similar procedure, I reserved the right to have the proposals referred to the Committee on Rules and Administration after rule XXII had been disposed of. I did not exercise that right then, and I do not propose to do so this year. I do not think these proposals would presently be referred to committee. But if the Senator from Georgia insisted, I would have to make that request.

Mr. RUSSELL. I was of the opinion that the proposed changes would be referred to committee. I looked at some of the hearings before the committee, which went into the proposals of the Senator from Pennsylvania at some length, and found that one of his resolutions was reported favorably and adopted. So in one respect the rules were amended by a proposal of the Senator from Pennsylvania.

Mr. CLARK. They were amended finally, but not until after I had been recognized and asked that the proposals be referred at the conclusion of the unsuccessful effort to change rule XXII.

Mr. RUSSELL. I think the Senator from Pennsylvania would really expedite action on his proposals if he had them referred to committee, because I am of the opinion that the fact that the resolution under consideration has not been referred to committee—the resolution now pending—will mean that this question will be debated by the Senate for a long time, because we are sitting now really as a committee of the whole—100 Senators. We cannot hear testimony from witnesses; we can hear testimony only from Senators—and they are all partisan on this question, one one side or the other.

Really, I think the Senator from Pennsylvania would expedite action on his various resolutions to amend the rules if they were referred to the Committee on Rules and Administration, because it will be some time before the consideration of a change in rule XXII is out of the way.

Mr. CLARK. Let me see if the Senator from Georgia would have any objection to this request:

Mr. President, I send to the desk for appropriate referral 12 proposed changes in the rules of the Senate, together with a motion to amend rule VII. It is my intention to move at an appropriate time for the adoption of these rules.

Mr. RUSSELL. The Senator from Pennsylvania, then, is asking that all of his proposals, save one, be referred to committee?

Mr. CLARK. No; I send them to the desk for appropriate referral. I suppose they will be referred.

Mr. RUSSELL. The Senator can always submit them, if he wishes to follow this procedure. He can offer one on the next day in identical language with the one before the committee. I think it would be wise to refer all the proposed resolutions to committee.

Mr. CLARK. Mr. President, in light of this colloquy, is there any objection to my sending forward the resolutions and motion?

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. CLARK. Mr. President, I send to the desk the resolutions and motion.

Mr. ROBERTSON. Mr. President, it was of the essence of what has sometimes been called the great compromise; namely, one body of Congress to be selected on a population basis, and the other on a basis in which small States would have equal representation with the largest, that the latter body, the Senate, was to afford protection to the rights of sovereign States, however small. To afford that protection, far more freedom of debate was to be exercised by Members of the Senate than could be allowed to Members of the House. Even the built-in checks and balances of the original Constitution designed to protect the rights of sovereign States and the liberty of the people would not have been sufficient to secure ratification but for assurances given by two outstanding advocates of the Constitution, Madison of Virginia and Hamilton of New York, that amendments would be adopted to meet the criticism leveled against the Constitution by Patrick Henry in Virginia and political leaders in both New York and North Carolina. In Virginia, Patrick Henry charged that as framed, the Constitution would destroy the freedom of the press, trial by jury, and that by concentrating financial and physical powers in the Central Government, the States would ultimately be crushed. Before concluding these remarks, I shall give the exact words used by Patrick Henry to indicate the extent to which his dire prophecy has been fulfilled by the action of all branches of our Government in assuming power not delegated by the Constitution. I also shall point out what a farce we have made of the 10th amendment in connection with which Madison and others emphasized the fact that the rights of the States and the liberty of the people had been fully safeguarded.

In my opinion, Mr. President, we may have been saved from a purely socialistic government, and perhaps a dictatorship, by reason of the protection of the rights of minorities afforded by the Senate as a deliberative body.

The PRESIDING OFFICER (Mr. EDMONDSON in the chair). The Senator from Virginia will suspend.

The morning hour having expired, the resolution under consideration goes to the calendar, under the precedents of the Senate.

The Senator from Virginia is recognized.

Mr. ANDERSON. Mr. President, since the resolution is my resolution, I wish to move the adoption of the resolution.

Mr. JAVITS. Mr. President, let me inquire whether the Senator from Virginia will yield long enough to permit me to make a brief statement or to allow a motion to consider the resolution to be made.

Mr. ROBERTSON. I do not know what the Senator from New York means by "a brief statement." I am making a "brief" speech, but it will take 2 hours.

Mr. JAVITS. Mr. President, if the Senator from Virginia will yield briefly to me, I shall explain the situation we face at the moment.

Mr. ROBERTSON. Very well; I yield.

Mr. JAVITS. Now that the Anderson resolution has gone to the calendar, the Senator from New Mexico or any other Senator can move to make it the pending business. I had in mind making clear why a point of order is not being made now against sending the resolution to the calendar—so that matter will be stated on the RECORD, so there can be no question as to what is the concept of their rights of those who entertain the view I entertain. That is the purpose in both cases—both to move the consideration of the resolution and to make a brief statement.

Mr. ROBERTSON. Someone recently told me that if I were named chairman of the Defense Subcommittee of the Senate Appropriations Committee and successfully handled a $50 billion budget, I would be entitled to the rank of field marshal. But the highest rank I ever held in World War I was that of major in the Army and I am serving on the team led by the distinguished Senator from Georgia [Mr. RUSSELL]. He is my general; and, therefore, I now yield to him.

Mr. RUSSELL. Mr. President, the statement of the Senator from Virginia about my having the rank of general makes me feel both grateful and humble. However, I should point out that the highest rank I ever held was that of apprentice seaman. [Laughter.]

Mr. JAVITS. If the Senator will yield, Mr. President, let me say that I was a lieutenant colonel.

Mr. RUSSELL. Mr. President, I suppose we had better terminate the references to military rank, before any orders are given.

But if I may reply to the Senator from Virginia, let me say that if motions are to be made, I would prefer that they be made after the delivery of appropriate remarks. However, if such a motion is to be made, I believe the Senator from New Mexico [Mr. ANDERSON] would be the appropriate one to make it. I am perfectly willing to have the Senator from Virginia yield for that purpose, if he will stipulate that in that connection he will not lose his right to the floor.

Mr. ROBERTSON. Very well, Mr. President; under that understanding I yield for that purpose to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is yielded to.

Mr. ANDERSON. Mr. President, I appreciate very much the courtesy of the Senator from Virginia in yielding to me; and in that connection I ask that no rights of Senators be in any way jeopardized.

I now move that the Senate consider my resolution.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico that the Senate proceed to the consideration of his resolution.

Mr. JAVITS. Mr. President——

Mr. ROBERTSON. Mr. President, I yield to the Senator from New York on the same basis, and for the same length of time.

Mr. JAVITS. Mr. President, I merely wish to state that in not making a point of order against the procedure adopted by the Chair, it should be made clear that the Senate rule with respect to limitation of debate; namely, rule XXI, itself is not being acceded to; and notwithstanding the fact that the rules are now being followed, the point will be made that the rules for closing debate on the question of whether this resolution will be considered are rules which the Chair will have to apply—so we shall contend—under the Constitution of the United States, not under the rules of the Senate; and we do not consider ourselves prejudiced by the procedure now being pursued, because it does not inhibit the pursuance of the fundamental rights of the majority to change the rules, uninhibited by rule XXII.

Mr. RUSSELL. Mr. President, will the Senator from Virginia yield to me?

Mr. ROBERTSON. I yield.

Mr. RUSSELL. Mr. President, I am intrigued by the constant repetition by those who, we charge, are trying to gag the Senate, that they are following the rules meticulously, except that when it pleases them they will disagree with rule XXII, and will move to bring debate to a close in some fashion unknown to the Senate, although they say that all the rest of the rules prevail. That is a most extraordinary situation.

What would happen in a community if one of its residents were to say, "I believe in every ordinance in this town, and I will do everything I can to see that not one of them is violated, and I will report on any of my neighbors who violates one of them. But I do not like the ordinance which makes the street in front of my house a one-way street, and I am going to drive down this street in either direction, 'hell for leather,' despite the ordinance which makes it a one-way street and prohibits one from going the other way on it."

Mr. President, that is the position in which the proponents of this resolution find themselves. They say they are following the rules, and they say the rules are fine, except for rules XXII and XXXII. But they say they do not like rules XXII and XXXII, and say that therefore they will disregard them, and will cast them aside—in a manner absolutely unknown to the precedents of the Senate.

Mr. ANDERSON. Mr. President, will the Senator from Virginia yield to me, in order to permit me to make a statement?

Mr. ROBERTSON. Well, Mr. President, let me point out that Senators will have from now until Lincoln's Birthday, when we will recess to celebrate the fact that Lincoln preserved the Union and then we will start the fight over again to dismember it. So there will be plenty of time. However, I yield now to the Senator from New Mexico.

Mr. ANDERSON. I thank the Senator from Virginia.

Mr. President, I wish to point out that we are willing to abide by all the rules of the Senate which we believe to be constitutional; but we do not wish to abide by rules which are not constitutional.

Mr. RUSSELL. And, Mr. President, it seems that the Senator from New Mexico constitutes himself the judge as to which are constitutional.

Mr. ANDERSON. No; but I reserve the right to vote on the question of constitutionality, because clearly such constitutional questions can be submitted to the Senate. And on that question, I intend to vote.

Mr. RUSSELL. Yes; and the citizen to whom I referred might have said the one-way street ordinance was unconstitutional. However, it was written into the ordinances of that town, and could have been changed only in the manner prescribed, at the meeting of the aldermen.

Here we have all the "aldermen" in session; and our opponents say, "All the rules are fine except the ones with which we disagree; and in our effort to gag the Senate by simple majority vote and in our effort to make the Senate a mere appendage of the House of Representatives and to make the Senate the equivalent of the British House of Lords—a body with a noble title, but with no authority—we say all these rules are good, except this one; and it is unconstitutional and vicious, and we will not follow that rule."

Mr. President, regardless of the way in which their argument is dressed up, that certainly is the stand taken by the Senator from New Mexico and his associates.

Mr. CASE. Mr. President, will the Senator from Virginia be willing to yield to me?

Mr. ROBERTSON. Mr. President, I have been asked to yield by a Senator who comes from a State that is proposing to do high honor to a great Virginian, Woodrow Wilson. Because I would not wish to appear to discriminate against a Senator from a State that is going to honor Woodrow Wilson, I yield to the Senator from New Jersey.

Mr. CASE. I thank the Senator from Virginia. I wish to propound a parliamentary inquiry. The Senator has referred to the great Woodrow Wilson; and in that connection I honor the great Senator from Virgina, who himself is a member of the New Jersey Tercentenary Celebration Commission this year. We look to him in our effort to secure a little money with which to make it a viable one, and I know he will cooperate in that connection.

Mr. President, my parliamentary inquiry is as follows: Is it a fact that the pending business of the Senate is now the motion to take up Senate Resolution 9, and that that will remain the pending business until it is displaced by action taken by the Senate?

The PRESIDING OFFICER. The question is on the motion to proceed to consider the resolution.

Mr. CASE. Mr. President, that was the first part of my question. The second part of my question is as follows: Will the motion remain the pending business until displaced by action of the Senate?

The PRESIDING OFFICER. If the Senate adjourns tonight without having taken any action on the motion, the motion will die. It will have to be taken up anew.

Mr. CASE. It will not continue beyond the legislative day?

Mr. JAVITS. Not if the Senate adjourns.

The PRESIDING OFFICER. Not the pending motion; but the motion can be renewed.

Mr. CASE. A recess would not have that effect?

The PRESIDING OFFICER. The Senator is correct.

Mr. CASE. I thank the Presiding Officer.

Mr. ROBERTSON. Mr. President, the danger to the preservation of constitutional liberty of a change in procedure which would erode and threaten to destroy the function of the Senate as a deliberative body should be recognized by all thinking persons as outweighing temporary advantages which partisans would gain in obtaining prompt action on a few items of politically expedient legislation. And even those partisan advocates of change who might find themselves able to ride roughshod over a helpless minority today might themselves be on the losing side tomorrow and might then regret surrender of any part of the right to discuss questions of principle for as long as is necessary to make the people of the Nation realize fully what is involved.

A material limitation on Senate debate—and permitting cloture by majority vote would impose a material limitation—would be contrary to the basic philosophy of our plan of government. It would violate the spirit of the compact which made our constitutional union possible. It would upset the carefully contrived balance among the branches of our Government. It would reduce the effectiveness of the Senate as a guardian of States rights and individual liberties.

It is unnecessary to change the rules under which the Senate has functioned satisfactorily for a century and a half. The present cloture rule gives adequate protection against abuse of the privilege of extended debate by a few wilful men. No desirable legislation has been permanently blocked by filibusters.

Allowing a majority of one to cut off Senate debate would be a dangerous expedient because the weapon forged against one area of the country and one viewpoint could readily be turned against any other section or minority interest. Those who call themselves liberals should be especially careful because in the past they have been the chief beneficiaries of a system which allows untrammeled expression of unpopular views.

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

Mr. ROBERTSON. I yield for a question, with the understanding that I shall not lose my right to the floor.

Mr. DOUGLAS. Does not the Senator remember that last summer a group of us who were opposed to the Telstar bill had debate terminated on us by the application of cloture? Is it not true that when sectional subjects are not at issue, cloture can be obtained; but when sectional issues—and particularly issues related to civil rights—are involved, in practice the two-thirds rule does not permit such limitation?

Mr. ROBERTSON. I understand that the distinguished Senator from Illinois wishes to change the rules to take care of expediting the passage of civil rights legislation.

Mr. DOUGLAS. That is my main purpose.

Mr. ROBERTSON. That is the main purpose.

I hope the Senator from Georgia [Mr. RUSSELL] will note what has been said. The Senator from Illinois has said that the main purpose of changing the rules is to facilitate the passage of civil rights legislation.

Mr. DOUGLAS. That is absolutely true. I have never denied it. The action on the bill relating to Telstar showed that if the bipartisan coalition is working strongly, supported by the financial and social establishments of the country, a two-thirds vote to limit debate can be obtained. But on questions of civil rights, when we face the heritage of the Civil War and the alliance of the border States with the former Confederate States together with their cryptosympathizers from the North and West, we get into deep trouble. I think no good purpose is served by concealing that fact. I have never tried to conceal it on the floor of the Senate. The Senator from Illinois has always been very frank about it. I believe we should know what the issues are.

Mr. ROBERTSON. Mr. President, we have always contended that if the rule applied to one thing at one time, it could apply to something else at another time. But in view of the fact that the distinguished Senator from Georgia has said that while in all past fights so-called civil rights was the purpose of the effort, he understood that now it was not the sole purpose. I yield to the Senator from Georgia.

Mr. RUSSELL. I thank the Senator from Virginia. I merely wish to point out that if there is any issue that has been voted on by more yea-and-nay votes in detail in the Senate in the last 5 years, it has been the type of legislation which the Senator from Illinois and others would call civil rights legislation.

In 1957 a civil rights bill was before the Senate. Amendment after amendment was offered to that bill. There were amendments to establish fair employment practice committees—to take over the employment policies of private enterprise in this country—and amendments that would have given to the Attorney General of the United States powers that no President of the United States has ever had. Indeed, some of the amendments would have given him much greater powers than those exercised by Charles I of England when he lost his head for being a tyrant. Every conceivable amendment was voted upon by a record vote.

In the year 1957, after the Senate had expressed itself by a yea-and-nay vote on every detailed amendment that even the resourceful Senator from Illinois and his outstanding staff of experts working with him in the civil rights field could bring forward, the civil rights bill was passed in 1957.

In 1960 the same thing happened. A civil rights bill was brought before the Senate. Amendment after amendment was offered. The Senate voted on each of them by a record vote. I do not recall the exact number of amendments that were offered. I looked up the information the other day. On the first occasion I think about 32 amendments were offered, and on the second occasion, about 38 amendments. Practically all of them were decided by yea-and-nay votes.

After the Senate had expressed itself on all the civil rights amendments that the Senator from Illinois and his associates could dream up and put down on paper so that the legislative clerk could read them from the desk, the Senate passed a civil rights bill.

In no other field has legislation been more thoroughly debated and considered in such detail. Every detail was decided on its merits by a vote of the Senate and this was done under the present rules. In my opinion this clearly shows that the allegation that a gag rule is necessary to get consideration of civil rights legislation is spurious and without basis of fact.

Of course, the Senator might say that action on the amendments had some effect on the final passage of the bill. He might say, "Senators voted against my amendments because they were afraid if they did not do so, they would not get the necessary votes to pass the bill." We all think our amendment is the best one that has been proposed. But such a statement would apply in relation to any piece of legislation. Scarcely any bill is brought before the Senate in connection with which the authors do not plead with Senators offering amendments not to offer them. They say, "Please do not offer that amendment, because if you do, it will drive away 4 or 5 votes. I want the bill passed."

So we cannot confine that argument to what we might call proposed civil rights legislation. I refer to what the Senator from Illinois calls civil rights legislation. To the Senator from Georgia, much of what the Senator has proposed is "civil wrongs" legislation.

The Senate has legislated thoroughly and in great detail in relation to the voting field. It voted on all amendments that could possibly be brought forward under the broadest interpretation of civil rights without the application of

cloture under the rules as they stand at the present time, and after a majority of the Senate had voted against cloture in one instance.

In the light of that record, for the life of me I cannot see how any rational human being can argue that the rules of the Senate must be amended to obtain a vote on civil rights proposals.

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

Mr. MORSE. Mr. President, I rise to a point of order.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). The Senator will state it.

Mr. MORSE. As one who believes that the rules of the Senate should be complied with, I request the regular order.

Mr. ROBERTSON. Mr. President, I am sorry I cannot yield further to my distinguished colleague.

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

Mr. ROBERTSON. I was hoping he might indicate whether or not the particular civil rights bill he wishes to expedite by changing the rules relates to, as I recall, section 3 of the civil rights bill of 1957, which would have denied the right of trial by jury. Whatever section that was, we defeated it. We defeated that section.

When I speak again on this subject, I shall take up that provision of the civil rights bill. At that time I intend to speak at length on the subject. Today I merely wish to make a few preliminary observations on the fundamental principles involved; that the Senate rules are those of a continuing body and should not be changed except as provided in its rules.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

Mr. ROBERTSON. Mr. President——

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. ROBERTSON. I do not know whether the Senator from Oregon would permit me to yield for that purpose. I had better not yield.

Mr. MORSE. I assure the Senator I will not permit any violation of the rules at all.

Mr. ROBERTSON. I am for the rules, and the Senator is asking me to maintain them. That is what I shall proceed to do to the best of my ability.

It is extremely important for us to consider proposed changes in our rules not from the standpoint of immediate expediency but in the light of the background and traditions of this body and with an eye on the future.

SENATE IS A UNIQUE BODY

Unlike many of our institutions, the Senate was not established as a copy of some existing governmental unit. It was uniquely and carefully designed, after long and arduous debate, to meet the specific needs of 13 proudly independent States which were willing to surrender to a Union only so much of their sovereignty as was essential to promote their common welfare.

The attitude with which the making of our Constitution was approached is evident from the language of the resolution of the Continental Congress adopted February 21, 1787, calling a convention to meet in Philadelphia the following May "for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the States, render the Federal Constitution adequate to the exigencies of Government and the preservation of the Union."

The difficulties this convention faced are indicated by George Washington's statement quoted by Gouverneur Morris:

> It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and honest can repair. The event is in the hand of God.

From May to September, the Convention struggled to devise a plan of Federal Government which the delegates were willing to defend, and when that task was completed, the work of obtaining approval for the new Constitution had hardly begun. Ratification by nine States was necessary before it could be adopted. The people of the States had to be made to understand the virtues of the plan and the necessity for concessions in compromise provisions that did not completely satisfy anyone, even the members of the Constitutional Convention.

Gov. Edmund Randolph, of Virginia, who had presented to the Philadelphia Convention the Virginia plan which became the primary basis for the final document, said it contained "features so odious" that "he doubted whether he should ever be able to agree with it." Luther Martin, of Maryland, who had backed a proposal by Charles Pinckney, of South Carolina, to require a two-thirds vote of the Congress for passage of any act regulating commerce left Philadelphia in disgust before the Convention adjourned, complaining of the threat to States' rights which he saw in the proposed Constitution.

Ratification occurred because the Convention chose to accept the assurances of Washington and Madison and others who said, as I shall point out presently, that the rights of the States had been recognized by the framers of the Constitution but, to remove any possible doubt as to their intentions, a series of amendments could be adopted by the next Congress putting the implied individual and States' rights and the limitations on the Central Government in written form.

These reassurances included the endorsement of George Washington, who threw his great influence on the side of the Constitution and said the choice was between "adoption or anarchy." They included also the support of John Marshall, who said later in one of his opinions:

> No political dreamer was ever wild enough to think of breaking down the lines which separate the States, and compounding the American people into one common mass.

But, probably the most influential factor in producing ratification was the expositions of the Constitution presented by James Madison and Alexander Hamilton in the Federalist papers. Virginians of his day accepted with confidence the statements of Madison that the States would continue to be recognized as sovereign units which had delegated only specific powers to the Central Government. They were reassured also by the fact that Hamilton, who was the leading champion of a strong Central Government, stated his agreement with Madison on that point.

In the Federalist No. 14 Madison wrote:

> In the first place, it is to be remembered that the General Government is not to be charged with the whole power of making and administering laws. Its jurisdiction is limited to certain enumerated objects, which concern all the members of the Republic but which are not to be attained by the separate provisions of any. The subordinate governments, which can extend their care to all those other objects which can be separately provided for, will retain their due authority and activity. Were it proposed by the plan of the Convention to abolish the governments of the particular States, its adversaries would have some ground for their objection; though it would not be difficult to show that if they were abolished the General Government would be compelled, by the principle of self-preservation, to reinstate them in their jurisdiction.

Hamilton, in turn, in the Federalist No. 17, referred to the fears that allowing the Federal Government to deal directly with individual citizens would make the Central Government too powerful and enable it to absorb the residuary powers of the States and localities. He said it was improbable that Federal authorities would have a disposition to do this because "the attempt to exercise those powers would be as troublesome as it would be nugatory."

STATE SOVEREIGNTY RECOGNIZED

In the Federalist No. 39 Madison went into more detail to explain the nature of the proposed Government as part nationalist and part Federal. He said that "if the Government be national with regard to the operation of its powers, it changes its aspect again when we contemplate it in relation to the extent of its powers. In this relation," he said, "the proposed Government cannot be deemed a national one; since its jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects."

In the next paper, Federalist No. 40, Madison argued that the Constitutional Convention had not exceeded its authority, because it had adhered to the Confederation principle of a General Government of limited powers. "We have seen," he said, "that in the new Government, as in the old, the general powers are limited; and that the States, in all enumerated cases, are left to the enjoyment of their sovereign and independent jurisdiction."

Hammering on the same point in Federalist No. 44, Madison wrote:

> As their constitutions invest the State legislatures with absolute sovereignty, in all cases not excepted by the existing Articles of Confederation, all the authorities contained in the proposed Constitution, so far

as they exceed those enumerated in the Confederation would have been annulled and the new Congress would have been reduced to the same impotent conditions as their predecessors.

Because of this situation, he said it had been necessary to give the Central Government treatymaking powers, without which it could not handle foreign affairs.

DELEGATED POWERS FEW AND DEFINED

Continuing his exposition in Federalist No. 45, Madison said:

The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State. The operations of the Federal Government will be most important and extensive in times of war and danger; those of the State governments in times of peace and security.

Hamilton's agreement with these views was recorded in Federalist No. 82, where he wrote that the principles established in a former paper in the series—

teach us that the States will retain all preexisting authorities which may not be exclusively delegated to the Federal head; and that this exclusive delegation can only exist in one of three cases; where an exclusive authority is, in express terms, granted to the Union; or where a particular authority is granted to the Union, and the exercise of a like authority is prohibited to the States; or where an authority is granted to the Union, with which a similar authority in the States would be utterly incompatible.

Even in the light of these positive assurances of recognition of and respect for sovereign rights of the States, however, Massachusetts ratified the Constitution only under promise of amendments; Virginia with a demand for them; and New York practically upon the condition of amendments. Virginia also made its position plain by naming as its first Senators, Richard H. Lee and William Grayson, who had been nominated by Patrick Henry, in preference to the nominees of James Madison.

BILL OF RIGHTS PROPOSED

The first Congress, which met in 1789, responded to the popular demand by proposing 12 amendments to the Constitution in a resolution which stated:

The conventions of a number of States having at the time of their adopting the Constitution expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the government will best insure the beneficial ends of its institution: Be it

Resolved * * * that the following articles be proposed as amendments.

These first amendments, 10 of which were adopted, included, as I need hardly remind the Senators, the 9th, which says: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people," and the 10th, which says: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

There can be no question, therefore, as to the intention of the Founding Fathers to protect States rights, but since, as Patrick Henry said, the Central Government was given the power of the sword and the purse, how could the preservation of those rights be insured?

Mr. DOUGLAS. Mr. President, will my learned colleague from Virginia yield for a question?

Mr. ROBERTSON. I yield with the understanding that I do not lose the floor.

Mr. DOUGLAS. Does the Senator from Virginia intend to discuss at a later period the 14th and 15th amendments to the Constitution, passed after the Civil War, which gave to the Congress the power to protect the equal rights and privileges of the citizens of the various States and to protect the right to vote?

Mr. ROBERTSON. Yes. I have already said that will come within the general outline of a comprehensive discussion of trial by jury. I said the cornerstones of this great edifice are already being torn down by the Supreme Court by construing the 14th amendment, which was devoted solely to the right of former slaves to citizenship, including the right to vote, as blanket authority to strike down any State law it wishes to, under the specious claim that it violates the due process clause.

I shall deal with that question when I get to that subject.

Mr. DOUGLAS. Will the Senator yield further?

Mr. ROBERTSON. But my leaders have asked me to be brief today——

Mr. DOUGLAS. Will the Senator yield for a further question?

Mr. ROBERTSON. Because this question affects all the Nation, and we want to give our friends who are from outside the South an opportunity to be heard before we go into an extensive discussion.

Mr. DOUGLAS. Will the Senator yield for a further question?

Mr. ROBERTSON. One question; yes.

Mr. DOUGLAS. Does the Senator deny that the 14th and 15th amendments to the Constitution exist and that they are legally in effect?

Mr. ROBERTSON. No; I do not deny that they exist. I assert that they have been badly abused and misconstrued. The 14th amendment had nothing to do with segregation, but the great Chief Justice from California read a book by a Swedish socialist who said that our Constitution is outmoded and ought to be thrown in the ash can. On Wednesday I am going to address a breakfast club on the subject of those who ask that the Bible be rewritten because it was written some 2,000 or 3,000 years ago and some ask "how can that be good law for today?" Some 3,000 years ago God spoke to Moses on Mount Sinai and laid down the commandments, "Thou shalt not kill. Thou shalt not bear false witness." "How," some ask, "can that be the law today? That was done 3,000 years ago; that was in the old stone age, or whatever one wants to call it."

By the same token our Supreme Court seems to think that our Constitution was written for a previous age and we should not be bound by all of its provisions. What did the Chief Justice say in Brown v. the Board of Education in 1954? He said we cannot turn the clock back. So he turned the clock forward and used the 14th amendment to amend the Constitution.

I shall discuss that subject, but I am not discussing it now in a preliminary discussion of what is involved in proposals to change our debate rules.

Mr. DOUGLAS. Does the Senator from Illinois correctly understand the Senator from Virginia to say that he does recognize the 14th amendment and the 15th amendment to the Constitution of the United States?

Mr. ROBERTSON. Of course, when the 14th amendment was adopted, the State that first gave us representative government, going back to Jamestown in 1619, was Military District No. 1, and was found by Congress to be incapable of self-government; and, at the point of the bayonet, all Southern whites were disqualified and Negroes were given office. So the amendment was illegally adopted and ratified. But it is in the Constitution. Frankly, I would take it out and change it if I had the power to do so, but I recognize that I do not have that power. However, as long as it is in the Constitution, we should not go beyond what Thad Stevens intended, which was that all those freed under the 13th amendment should be recognized as citizens of the United States.

Mr. DOUGLAS. Do I now understand that the Senator from Virginia has doubts as to whether the 14th amendment is a part of the supreme law of the land?

Mr. ROBERTSON. No; I merely say that it was never legally put in the Constitution, but it got into the Constitution. The Senator says that I have doubts about it. The decision of the Supreme Court in Brown against Board of Education in 1954, in my opinion, is not the law of the land, but it is the fact of the land. We do not know how to get from under it, since the Federal Government has the bayonets with which to enforce it. They sent troops into Little Rock and they sent troops into Oxford. What can we do about it, whether we think it is right or wrong? With bayonets sticking in one's back, all argument ends.

The 14th amendment was never legally adopted for the purpose of doing one thing—provide full citizenship for former slaves, including the right to vote. When it was proposed, it was for the purpose of doing one thing. It was to ratify an illegal action by Lincoln. Did he have any right to free the slaves? Of course not. He limited his so-called war action to the South, to the Confederacy. He limited its application to the slaves in the South, but it was still illegal. The 13th amendment was adopted to conform to the illegal acts of

President Lincoln in freeing the slaves. Then the 14th amendment——

Mr. DOUGLAS. Do I understand——

Mr. ROBERTSON. I wish the Senator would let me finish before he understands anything else.

The 14th amendment was proposed to let those former slaves vote, in the South, and to have them recognized as rightfully recognized citizens. It had nothing to do with schools; it had nothing to do with the New York prayer case; it had nothing to do with redistricting; and it had nothing to do with the law of a State dealing with the NAACP, an organization which stirs up litigation. They say to people, "You bring litigation, and we will furnish the lawyer for you. If you lose, we will pay for the litigation." Is that legal for whites? Oh no. However, it is legal for them. When I get the time a little later, I will tell the Senator more about the 14th amendment. Now I do not have the time available for that purpose.

Mr. DOUGLAS. Does the Senator from Virginia believe that the 13th amendment is a part of the supreme law of the land?

Mr. ROBERTSON. When the Constitutional Convention met in Philadelphia, Jefferson said, "Let us outlaw slavery. Let us vote to outlaw that institution, because it is iniquitous."

Massachusetts, however, was selling slaves to the South, and its representatives said, "If you press that amendment, we will walk out of the Convention."

We were forced to drop the amendment. That is my answer about the 13th amendment. We were ready to do that before the Abolitionist Party sponsored it as a part of their justification to come down to the South and kill our young men and wreck our prosperity. We were ready to outlaw slavery, but those people in the North were selling us slaves, and would have no part of it.

Mr. DOUGLAS. The Senator from Virginia, then, believes that the 13th amendment is a part of the fundamental law of the land. Is that correct?

Mr. ROBERTSON. I do not believe it is legal. I do not believe it was legally adopted.

Mr. DOUGLAS. He, however, has some doubts about the 14th amendment. Is that correct?

Mr. ROBERTSON. I do not believe it was legally adopted.

Mr. DOUGLAS. That is the 13th amendment?

Mr. ROBERTSON. I do endorse the abolition of slavery. I do not believe it was legally adopted. I do not believe the 14th amendment was legally adopted.

Mr. DOUGLAS. What does the Senator think about the 15th amendment?

Mr. ROBERTSON. It is not quite as bad. It was adopted a little later. However, the first two were punitive amendments. The South did not have any vote in proposing them. There were rump conventions and legislatures in the South that adopted those amendments. Neither one of them was legally adopted.

Mr. DOUGLAS. Therefore the Senator would feel he is acting properly, would he, if he disobeyed the 13th and 14th amendments to the Constitution?

Mr. ROBERTSON. Well, one must recognize the status quo, whether one likes it or not. One cannot set himself up to disobey an act of Congress or an order of the Supreme Court because in his opinion an amendment to the Constitution on which a statute rests or on which a court decision was rendered, was not legally adopted.

I recognize the necessity of a Member of the Senate to bow to the established order. It does not mean that one must say that it came into existence in a legal and proper and desirable way.

Mr. DOUGLAS. Would the attitude of the Senator from Virginia be accurately described by the statement of Margaret Fuller that she accepted the universe?

Mr. ROBERTSON. Well, I do not know much about Margaret Fuller, but I believe she accepted the universe.

Mr. DOUGLAS. That is what Emerson replied.

Mr. ROBERTSON. I knew of him, but I did not know that he said that until my friend told me about it.

The Chief Executive of the Nation is sworn to uphold the Constitution, but if he interprets his duties as permitting interference in fields reserved for State action, who shall check him? The courts, and especially the Supreme Court, are interpreters of the law, but when the highest Court conceives of itself as a policymaking body and issues orders involving social reforms which interfere with State functions, how can this trend be checked? The Congress, in addition to having the power to make laws, has the power to impeach the President and other officials, but what if the popularly elected Representatives yield to public clamor and endorse proposals which infringe on States rights?

SENATE IS DEFENDER OF STATES RIGHTS

It is when an answer to these questions is sought that the unique position of the Senate in our system of government becomes apparent. This body is the one place where the sovereign States are represented as such and on a basis of equality. Even though Senators, since adoption of the 17th amendment, are elected by the people instead of being chosen by State legislatures, they still are representatives of their States as a whole and are insulated from temporary waves of popular sentiment by 6-year terms and by having no more than a third of the Senate seats at issue in any one election year.

Madison said:

> The use of the Senate is to consist in its proceeding with more coolness, with more system and with more wisdom than the popular branch.

And, as we recall, Washington described the Senate to Jefferson as a saucer in which legislation was poured to cool.

That traditional function of the Senate can be exercised effectively only so long as this body remains a truly open forum in which each spokesman for a sovereign State can expound his views for as long as his conscience dictates when the rights of his State or the integrity of the Constitution which protects those rights are threatened. The Senate will become no more than a slower House of Representatives in its net results if a simple majority can decide when discussion should be stopped and a vote taken.

It was Thomas Jefferson who told the Senate in its early days that the only weapons by which minorities can defend themselves from the abuses which "the wantonness of power is but too often apt to suggest to large and successful majorities" were the forms and rules of proceedings which had been adopted.

Woodrow Wilson, in his book on "Constitutional Government," said:

> An attempt was once made to bring the previous question into the practices of the Senate, but it failed of success, and so that imperative form of cutting off all further discussion has fortunately never found a place there. The Senate's opportunity for open and unrestricted discussion and its simple, comparatively, and unencumbered forms of proceeding unquestionably enable it to fulfill with very considerable success its high function as a chamber of revision.

NO JUSTIFICATION FOR CHANGE

Therefore, I say that before we tamper with a plan of proceeding which has been carried on with such distinguished approval for a century and a half, we should be very certain that there is justification for a change.

That brings me to my second main point, which is, that a change in the existing rules is unnecessary.

We are told that a majority must be given the power to cut off debate after some specified period of time in order to break the power of the filibuster.

What, then, is the power of the filibuster and how has it been used to the detriment of the United States?

The history of limitation of debate in the Senate and of incidents which led to attempts to impose limitation has been set forth so effectively in the Library of Congress Public Affairs Bulletin No. 64 by Dr. George Galloway and that study is so well known to Members of the Senate that I shall not repeat the details here. It will be recalled that the device of the previous question for ending debate, which was allowed in the Continental Congress as well as the British Parliament, was carried over into the rules of the Senate in 1789 and allowed to stand until 1806 before it was abolished and truly free debate instituted. During that first 17 years the previous question was invoked only four times and used only three times, but that was enough to make its dangers evident; and when Henry Clay sought to have the rule revived in 1841, he failed.

Numerous later attempts have been made, as they are being made now, to impose restrictions on debate, but it is notable that the general tendency has been for new Members of the Senate, impatient with what seems to be its deliberate pace, to want the rules changed, and then for those same Members, as they gain more experience, to recognize the virtues of free debate and to defend the existing rule.

BACKGROUND OF RULE XXII

What we now know as rule XXII was adopted in 1917 under the pressure of a

war emergency and on recommendation of Woodrow Wilson who, as I have indicated by quoting him, fully recognized the importance of free debate under normal conditions. Wilson thought this radical step was needed to provide authority to arm ships, but it later was determined that he had the authority without resort to legislation, and the tampering with Senate rules was a useless gesture.

From our perspective, there is more reasonableness in Wilson's calm writing on government than in his impassioned plea for quick Senate action on one occasion, and in his book on "Constitutional Government" he said:

> The informing function of Congress should be preferred even to its legislative function. The argument is not only that discussed and interrogated administration is the only pure and efficient administration, but more than that, that the only really self-governing people is that people which discusses and interrogates its administration. The talk on the part of Congress which we sometimes justly condemn is the profitless squabble of words over frivolous bills or selfish party issues. It would be hard to conceive of there being too much talk about the practical concerns and processes of government. Such talk it is which, when earnestly and purposefully conducted, clears the public mind and shapes the demands of public opinion.

The significant thing, in our consideration of whether there is need to change the Senate rules governing debate, is not whether there have been occasions when some time has been wasted by what Woodrow Wilson called "profitless squabble of words," but whether the ultimate effect of these incidents has been harmful.

COOLING OFF IMPROVES LEGISLATION

The record, as set forth in the Library of Congress study to which I have referred, shows that many bills against which extended debate was directed ultimately were passed and I believe careful study would reveal that in most instances the legislation was improved by the cooling-off period. Few bills have been permanently blocked and none of national importance.

DEBATE CAN BE ENDED NOW

Debate can be ended now by a vote of two-thirds of the Members present and voting. If a national emergency, such as that which Woodrow Wilson thought existed in 1917, should demand prompt action on some legislation, I am confident that more than two-thirds of the Members of this body would cooperate in silencing obstructionists. The necessary votes also would be obtainable to stop a filibuster, even in peacetime, against obstruction of any truly vital legislation.

I am proud of the fact, however, that my colleagues in the Senate have included enough believers in the principles of States rights and enough defenders of legitimate minority interests to prevent the gagging of anyone who has taken the time which he thought necessary to bring the viewpoint of his State to the attention of citizens of all the other states where questions of principle and of constitutionality were concerned, and I hope that that attitude will continue to prevail on the floor of the Senate.

Our present rule on limitation of debate is adequate and changing it is unnecessary.

Moreover, a radical change in the present rule would be dangerous and detrimental in the long run even to the interests which now advocate the change.

Newspaper writers and other commentators are inclined to describe those now advocating a change in our rules as "liberals" who have been frustrated in efforts to promote civil rights bills or social welfare measures and to associate defense of free debate with an ultraconservative viewpoint. The record shows, however, that free debate, including efforts which have been generally recognized as filibusters often have been used and defended by liberal leaders.

A delay, during which the people of the country are made aware of the details of an issue, can be used, and has been used to help bring about reforms, as well as to block passage of oppressive measures.

There was, for example, the extended debate in 1863 against efforts to suspend the writ of habeas corpus. There was the filibuster against an Army appropriation bill in 1876 which carried a rider that would have suspended existing election laws. There was the successful filibuster in 1890 against the force bill, which would have provided for Federal supervision of elections.

RIGHTS OF LABOR PROTECTED

Our distinguished former colleague, Senator George, of Georgia, testified during the 1947 hearings on proposals to limit Senate debate that if there had been such limitations as those proposed in 1937, it would have been impossible to rally enough support to block the effort of a powerful and popular President to pack the Supreme Court; and Members now in this body will recall that in 1946 the House passed in a matter of minutes a bill to draft striking railroad workers. That proposal, so violently objected to by organized labor, would have become law but for the opportunity of the Senate to analyze it in a deliberate manner.

In the 1957 Senate committee hearings a spokesman for the AFL–CIO said that powerful organization favored a change in rules to limit Senate debate primarily because of "the apparent need for more comprehensive Federal legislation in the field of civil rights." In 1925, however, when Vice President Dawes was trying to get the Senate to adopt a previous question rule, he was denounced by the American Federation of Labor for trying to gag the Senate and threaten the rights of the people; and in 1946, as I have indicated, absence of such a gag rule may have been all that prevented the striking railroad workers from being drafted into military service.

Mr. MILLER. Mr. President, will the Senator from Virginia yield to me, in order that I may submit a resolution?

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

Mr. KUCHEL. Mr. President, I did not hear the question.

Mr. MILLER. Will the Senator from Virginia yield, so that I may submit a resolution—and for that purpose alone, without yielding his right to the floor?

Mr. ROBERTSON. Is it a resolution to be referred to a committee?

Mr. MILLER. Yes.

Mr. DOUGLAS. Mr. President, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERTSON. Mr. President, it was the great liberal leader, Senator La Follette, who fought the 1917 cloture rule, saying:

> This Senate is the only place in our system where no matter what may be the organized power behind any measure to rush its consideration and to compel its adoption, there is a chance to be heard, where there is opportunity to speak at length, and where, if need be, under the Constitution of our country and the rules as they stand today, the constitutional right is reposed in a member of this body to halt a Congress or a session on a piece of legislation which may undermine the liberties of the people and be in violation of the Constitution which Senators have sworn to support. When you take that power away from Members of this body, you let loose in a democracy forces that in the end will be heard elsewhere, if not here.

La Follette's courage in making a fight against any limitation upon Senate debate was mentioned by President Kennedy in his famous book "Profiles in Courage"; and the courage of Senator George Norris in joining with La Follette in that fight upon a cloture rule was, in the same book by President Kennedy, warmly commended.

And it was William E. Borah, another liberal spokesman, who said in 1925 that he had never known a good measure to be killed by a filibuster or a debate, but that he had known a vast number of bad measures and unrighteous measures which could not have been killed in any other way except through long discussion and debate.

LONG SPEECHES WHICH MADE HISTORY

One of the most eloquent defenses of free Senate debate was that delivered in 1918 by Senator Watson, of Indiana, who said of the Underwood Resolution to establish the previous question:

> If this had been the rule of the U.S. Senate for the first 50 years of its existence, John C. Calhoun would not have been able to thunder forth the doctrines in which he believed; Hayne could not have announced on the floor the ideas which he so eloquently espoused; Henry Clay would have been unable to deliver in full any one of the score of speeches that accomplished so much for his country; and Daniel Webster, imperious orator of American history, could not have blazed the pathway of the future in that historic utterance in which he announced the essential policies of the Republic if its institutions are to endure, for on the floor of the U.S. Senate and in the open forum of debate he in a sense shaped the destiny of the Republic and molded the future of the Nation.

It matters not, Mr. President, whether the minority at any particular time represents a basically liberal or a basically conservative viewpoint: The group which does not have a majority of votes needs some protection against unreasonable impositions, and the U.S. Senate was designed to provide that protection.

I have been stressing the interest which liberals should take in the preser-

vation of free Senate debate, because those who claim to speak as liberal leaders have become the immediate advocates of a change. But the interests of those who call themselves conservatives, in the sense that they would preserve our great national heritage, also are deeply involved.

I was pleased to see recognition of this fact during the 1957 Senate committee hearings, when the National Society of the Sons of the American Revolution put in the record a resolution of unalterable opposition to any change which would substantially alter the right of free discussion secured by Senate rule XXII. This resolution said:

> Freedom of debate in the U.S. Senate performs the same essential function as freedom of the press under the first amendment in keeping the people fully informed in respect to matters which may vitally affect their freedom and the security of constitutional rights.

Mr. President, the love of liberty is not dead in our Nation, nor is there a lack of voices willing to speak in defense of the institutions on which our freedom was founded. But, to preserve a forum for those voices, we must respect the advice of Thomas Jefferson, who said in his Manual of Parliamentary Procedure, on which our Senate rules are based:

> As it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities.

Mr. DOUGLAS. Mr. President, will the Senator from Virginia yield for a question?

Mr. ROBERTSON. I yield, provided I do not thereby lose the floor.

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

Mr. DOUGLAS. Do I correctly understand that the Senator from Virginia has a high opinion of Jefferson's Manual of Parliamentary Procedure?

Mr. ROBERTSON. Oh, yes; indeed.

Mr. DOUGLAS. Does the Senator from Virginia realize that in Jefferson's Manual there is provision for moving the previous question, and for its adoption by majority vote?

Mr. ROBERTSON. As I have said, until 1806 it was proposed four times, it was voted three times, and it was found to be thoroughly impractical. A few days ago the Senator from Georgia [Mr. RUSSELL] said on the floor of the Senate, when that question was brought up, that the previous question rule, as we know it in Robert's Rules of Order, never was recognized here. The previous question was ordered, but the debate still continued, in some way—that is, according to Senator RUSSELL; and he is our best parliamentarian.

I cannot say categorically whether until 1806 there really was—as in Robert's Rules of Order—a provision to move the previous question which would absolutely and unequivocally shut off debate. All I know is that after it had been tried three times, it was found to be so unsatisfactory that it was taken out of the rules of the Senate, and has never been put back since then.

Mr. DOUGLAS. Does not the Senator from Virginia recognize the fact that Jefferson's Manual provided for moving the previous question, and that it could be carried by a majority; and that Jefferson's full statement on this point is to be found on pages 402, 403, and 404 of the Senate Manual?

Mr. ROBERTSON. Jefferson's Manual was based largely on the proceedings of the British House of Commons. But experience demonstrated to him and to everyone else that in the Senate that procedure would not work. It was provided for our House of Representatives, which was our counterpart of the British House of Commons, whereas the Senate is our counterpart of the British House of Lords. Although we have not their honor, we have a good deal more power.

However, such procedure was found to be impractical here, if we are to implement the real purpose of the Founding Fathers in giving all States equal representation in the Senate. In that connection, I point out that Illinois is one of the larger States, whereas Virginia is one of the smaller States; nevertheless, in the Senate each State, regardless of its size, has two Senators; and regardless of the difference in size, in the Senate Virginia has the same rights that Illinois has; and the great States of Pennsylvania, Illinois, New York, and Ohio could not team up and run roughshod over Virginia and other smaller States, for, regardless of any differences in size, in the Senate the two Senators from each State are to have the privilege of presenting their viewpoints on all constitutional issues and on all issues which they may feel might impinge upon the rights of the people whom Senators are selected to represent; and Senators are chosen to represent their States on a statewide basis, not on a congressional district basis.

Mr. DOUGLAS. Do I correctly understand that the Senator from Virginia repudiates the doctrine of Thomas Jefferson that the previous question is a proper parliamentary device?

Mr. ROBERTSON. The Senator from Virginia is a great admirer of Thomas Jefferson. He believes that Thomas Jefferson was the greatest political philosopher we have ever had. But the Senator from Virginia has never claimed that Thomas Jefferson was omniscient. He never has claimed that Thomas Jefferson could not make a mistake.

Thomas Jefferson challenged the viewpoint of John Marshall that the Supreme Court should have the right of veto power over legislation. Jefferson never would recognize that, and he suggested what has been called a power of interposition. That might have been a good thing at the time Jefferson proposed it. But what can we say about it after General Lee, yielding to overwhelming power, surrendered to General Grant on the battlefield of Appomattox? Where does the doctrine of interposition stand after that? You have the bayonets and we have the doctrine. Who wins? That is the issue. That is all there is.

Therefore, I cannot say that everything Jefferson proposed could be categorically and unequivocally right. Certainly he did a great service for us when he proposed rules. But the right to move the previous question was not compatible with the kind of Senate that we should have, and the Senate took it out of the rules.

As I have previously indicated, Madison's proposal of what is now the 10th amendment designed to protect the rights of the States and the liberty of the people was a major factor in securing ratification of the Philadelphia Constitution. That amendment provides:

> Powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

When the framers of the Constitution met in Philadelphia in 1787, they were faced with an extremely difficult task. A Central Government had to be formed which, on the one hand, would be strong enough to deal successfully with issues of national scope. The war years had confirmed the inadequacies of the Articles of Confederation.

The Central Government, however, on the other hand, must be prevented from usurping powers of sovereign States which were neither denied to them nor delegated by the Constitution to the Central Government.

The experience of the colonists with the Crown had taught our Founding Fathers that the central authority which was to be formed must not be a government of unlimited power. They were well aware that, "power tends to corrupt; and absolute power corrupts absolutely."

The decision was therefore made to delegate certain enumerated powers to the Central Government. By clear implication, all remaining powers were to be retained by the States. The 10th amendment reaffirms what had been the unmistakable intention of the framers of the Constitution. It was Thomas Jefferson who warned that:

> In questions of power, let no more be said of confidence in man, but bind him down from mischief by the chains of the Constitution.

The 10th amendment was expected to circumscribe the activities of the Central Government within the orbit of its specifically enumerated powers.

Unfortunately, the Constitution as known to those of us who studied constitutional law 50 or more years is gone.

In a broad sense, said a great constitutional author, Alfred J. Schweppe, last October, our Government has become one of unlimited powers.

The Supreme Court in Helvering against Davis decreed that Congress could spend "for the general welfare"; Congress, furthermore, was to be the judge of what the general welfare might be, unless its definition was, and I quote from the decision, "clearly wrong, a display of arbitrary power, not an exercise of judgment." The Court reached this

conclusion despite the weight of historical evidence to the contrary.

James Madison, the father of our Constitution, said of those in his day who made that contention:

> No stronger proof could be given of the distress under which these writers labour for objections, than their stooping to such a misconstruction.

Similarly, Thomas Jefferson said:

> Our tenet ever was * * * that Congress had not unlimited powers to provide for the general welfare.

By deliberately ignoring what the framers of the Constitution said the general welfare clause meant, the Supreme Court released the spending powers of the Congress from all constitutional restraints and then proceeded to release itself from the basic doctrine of States rights by holding, in effect, that the due process clause of the 14th amendment gave the Court full jurisdiction over all State laws.

In taking that extreme position the Court disregarded the advice given by a great jurist, Oliver Wendell Holmes, who said, in Baldwin against Missouri:

> I have not yet adequately expressed the more than anxiety that I feel at the ever increasing scope given to the 14th amendment in cutting down what I believe to be the constitutional rights of the States. As the decisions now stand, I see hardly any limit but the sky to the invalidating of those rights if they happen to strike a majority of this Court as for any reason undesirable. I cannot believe that the amendment was intended to give us carte blanche to embody our economic or moral beliefs in its prohibitions.

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

The PRESIDING OFFICER (Mr. KENNEDY in the chair). Does the Senator from Virginia yield to the Senator from Illinois?

Mr. ROBERTSON. I yield, with the understanding that I shall not lose my right to the floor.

Mr. DOUGLAS. Is the Senator from Virginia aware that the so-called Virginia plan, which constituted the basis for discussion in the Convention of 1787, and which was drawn up by James Madison, Richard Henry Lee, George Mason, and others, provided that the Federal Congress not only had the power to tax and spend for the general welfare but also had the power to legislate for the general welfare? Is the Senator from Virginia repudiating the doctrines of the great Virginians Richard Henry Lee, James Madison, George Mason, and the others?

Mr. ROBERTSON. First, the Senator from Virginia does not admit that the gentlemen mentioned by the Senator from Illinois advocated what he has stated. But if they did, the provision was never written into the Constitution and never became the law—I am now only advocating what the Constitution meant; and we have violated the Constitution. It is unfortunate that we have, because we now have a debt of over $300 billion. The Senator from Illinois, who is on the Finance Committee, knows that next June the debt limit will go back to $300 billion. He knows, too, that we cannot put through the proposed tax cut, which I understand he will advocate, without raising that limit. I assume he will vote in committee to raise the limit. I do not know how high, but it will be a good deal above $300 billion. That result will be primarily due to the fact that we have misconstrued the Constitution and assumed unto ourselves the right to spend money for what the Founding Fathers would have called socialistic schemes that the Federal Government had no authority to enter into.

Mr. DOUGLAS. Do I correctly understand the Senator from Virginia to say that Congress has no power to levy taxes or to spend for the general welfare?

Mr. ROBERTSON. That is correct; but the Supreme Court says it has.

Mr. DOUGLAS. Is the Senator from Virginia aware that the decision in question was a unanimous decision of the Supreme Court in the days when Calvin Coolidge was President of the United States and when the Justices were nearly all Republicans?

Mr. ROBERTSON. I do not remember exactly when the decision was rendered.

Mr. DOUGLAS. That was the decision in Massachusetts against Mellon.

Mr. ROBERTSON. I remember that the Court apologized for it. They said they were taking the views of Hamilton and repudiating the views of Madison and Jefferson and a great many others of the Founding Fathers, but they took the bull by the horns. They wanted it done. I thought they gave an extremely weak excuse for doing it.

I claim that that decision was fundamentally wrong. I have read decision after decision of the Founding Fathers, who said that the general welfare clause was merely a limitation upon the exercise of the delegated powers. As the Senator from North Carolina said concerning the more than $100 billion we have given away in foreign aid he said that, in any event, the Constitution provided that the general welfare would be our welfare and not the welfare of some foreign nation.

I say that "welfare" meant that Congress could not do something for the community of Squeedunk, but whatever Congress did had to be of a national scope. The welfare had to be general, but it was limited to the powers given Congress and did not include powers subsequently taken.

Mr. DOUGLAS. If I correctly understand the Senator from Virginia, he would reverse the unanimous decision of the Supreme Court in the case of Massachusetts against Mellon?

Mr. ROBERTSON. I certainly would. I think it was wrong. I think ultimately it will lead us to bankruptcy, through spending for everything. If we did not have the power to spend, we would not spend. Now, when it becomes politically expedient to spend, we are spending.

We hear talk about deficits, but, to use a slang expression, "You ain't seen nothin' yet." We will have a deficit, as George Humphrey said, "that will make your hair curl."

At this time we have heard all of the proposals for deficit spending, and at the same time the proposals for a tax cut on top of it.

Mr. DOUGLAS. Does the Senator from Virginia regard George Humphrey as an expert on hair dressing?

Mr. ROBERTSON. He was talking about a type of reaction that was not altogether desirable.

Mr. President, I have only a few more words to say in conclusion in connection with the general presentation of fundamental principles.

We have had within recent months graphic illustrations of the immense power now centered in our Federal Government. For example, the New York Prayer case illustrates the unchecked power of the Supreme Court to strike down local and State actions affecting an important aspect of the lives of our children.

Several decisions of the National Labor Relations Board have illustrated the immense power of the Federal regulatory agencies to control labor and industry in this Nation.

The President's antidiscrimination in housing edict and his use of Federal troops in Oxford, Miss., illustrate the sweeping effect of Federal commands and the overwhelming power that can be used to enforce them upon the States and the people.

The 88th Congress will write history that will vitally affect the future of our Republic.

In the address Monday on the state of the Union, in beautifully phrased language, our great President said, "I commend you all."

Of course, if somebody from Virginia said "you all" the northern press would have accused him of speaking in hillbilly English, but from the lips of the great President, that is good Harvard English, "I commend you all."

For what? For your role in history.

What is to be our role in history? Is it to use the welfare clause as an unlimited spending vehicle and to make smooth the road to a New Frontier? Or are we to challenge the anti-God ideology which repudiates God and denies the ethical teachings of the Bible in the only forum in which we can ultimately hope to win that type of conflict; that is, in the minds and hearts of men?

That is not a conflict over dictatorship. We have seen many examples of dictatorships throughout history. It is not a conflict with an economic system because many nations have had socialism and did not call it communism. Our role is a challenge to participate in the conflict which is a religious fight—a fight that denies the basis of everything that has made us truly great—our faith in God and the ethical teachings of the Bible.

If that is to be our role in history, more power to the President when he says, "I commend you all for your role in history." But I say that this rules issue is involved also in our role in history, and I am not going to commend Senators if they violate the established traditions of the Senate, if Senators claim the Senate is not a continuing body and that by a simple majority vote Senators can override everything, and if they claim

that a simple majority vote can choke off and cut the throat of any Senator trying to preserve a constitutional principle of his home State.

Mr. President, the 88th Congress will write history. The choice will be between preserving what is left of States rights under the 10th amendment and restraining socialistic spending, on the one hand, or the modification of the cloture rule on the other, to expedite the passage of unconstitutional civil rights legislation and socialistic spending schemes.

If in the opinion of the people—

Said Washington in his Farewell Address—

the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

Federal expenditures for all projects now go unchallenged—since the decision of the Supreme Court in Massachusetts against Mellon, recently referred to by my distinguished colleague from Illinois.

There is, unfortunately, no legal procedure through which a taxpayer can dispute the misuse of Federal funds.

With the realization of the taxpayer's inability to secure judicial review as to the constitutionality of Federal expenditures, Mr. Justice Jackson spoke of the need for congressional restraint, as follows:

Two of the greatest powers possessed by the political branches, which seem to me the disaster potentials in our system, are utterly beyond judicial reach. These are the war power and the money, taxing and spending power, which is the power of inflation. The improvident use of these powers can destroy the conditions for the existence of liberty, because either can set up great currents of strife within the population which might carry constitutional forms and limitations before them.

He cautioned that—

No protection against these catastrophic courses can be expected from the judiciary. The people must guard against these dangers at the polls.

In other words, if our unique form of government is to be preserved, we must in the future depend more upon self-restraint than upon a written Constitution for its preservation. For years, I felt that the fears of arbitrary Federal action expressed by Patrick Henry in opposing ratification of the Constitution by Virginia were unjustified. Addressing the Virginia Convention on June 4, 1788, Patrick Henry said:

The public mind as well as my own is extremely uneasy at the proposed change of government. * * * I consider myself as the servant of the people of this Commonwealth, as a sentinel over their rights, liberty and happiness. I represent their feelings when I say, that they are exceedingly uneasy, being brought from that state of full security which they enjoyed, to the present delusive appearance of things. * * * And here I would make this inquiry of those worthy characters who composed a part of the late Federal convention. I am sure they were fully impressed with the necessity of forming a great consolidated government instead of a confederation. That this is a consolidated government is demonstrably clear; and the danger of such a government is to my mind very striking.

I have the highest veneration for those gentlemen; but, sir, give me leave to demand, what right had they to say we the people? * * * who authorized them to speak the language of, we the people, instead of we, the States? States are the characteristics, and the soul of a confederation. If the States be not the agents of this compact, it must be one great consolidated, National Government of the people of all the States. I have the highest respect for those gentlemen who formed the convention. * * * The people gave them no power to use their name. That they exceeded their power is perfectly clear.

Henry continued by saying:

Here is a revolution as radical as that which separated us from Great Britain. It is as radical, if in this transition our rights and privileges are endangered, and the sovereignty of the States be relinquished; and cannot we plainly see that this is actually the case? The rights of conscience, trial by jury, liberty of the press, all your immunities and franchises, all pretensions to human rights and privileges are rendered insecure, if not lost, by this change. * * * You are not to inquire how your trade may be increased, nor how you are to become a great and powerful people, but how your liberties can be secured; for liberty ought to be the direct end of your government.

Is it necessary for your liberty that you should abandon those great rights by the adoption of this system? Is the relinquishment of the trial by jury and the liberty of the press necessary for your liberty? Will the abandonment of your most sacred rights tend to the security of your liberty? Liberty, the greatest of earthly blessings—

Exclaimed Patrick Henry—

give us that precious jewel, and you may take everything else. * * * Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel. Unfortunately nothing will preserve it but downright force: whenever you give up that force, you are inevitably ruined.

Patrick Henry continued his argument by saying:

Congress by the power of taxation—by that of raising an army and navy—and by their control over the militia—have the sword in one hand, and the purse in the other. Shall we be safe without either? Congress have an unlimited power over both; they are entirely given up by us. Let him (Mr. Madison) candidly tell me where and when did freedom exist, when the sword and purse were given up from the people? Unless a miracle in human affairs shall interpose, no nation ever did or ever can retain its liberty after the loss of the sword and the purse.

When the Constitution was being framed, the Virginia delegation proposed a provision to outlaw slavery and was forced to drop it upon the bitter opposition of Massachusetts and other States which were finding the slave trade very profitable. In appraising the foresight of Patrick Henry, we, of course, know that Lincoln freed the slaves; the Supreme Court calmly ignored the 10th amendment when it wrote desegregation into our schools, and the Chief Executive used the bayonet, first at Little Rock and then at Oxford, to enforce that Court action; we know that we have a current budget of $93 billion, which will soon rise to $100 billion or more; and we know that one of the so-called tax reforms favored by the administration is the power of the Federal Government to tax the income from the bonds of States and the political subdivisions, thus destroying their financial independence.

What, Mr. President, is the real purpose of the proposed changes in the Senate rules? It is, of course, to expedite the Senate action on controversial bills, but what type of bills? Echo answers civil rights, such as FEPC, abolishing the sacred right of trial by jury, anti-lynch laws, and so forth. And, by the same token, the voices of a rapidly diminishing minority, who still seeks to be heard in defense of sound fiscal policies and in opposition to vast spending schemes that would take us down the road to statism, could be stifled.

Mr. President, I appeal to all Members of this great body who have stood at the clerk's desk and, with right hand upheld, taken an oath to support and uphold the Constitution to resist changes in our debate procedure which would hasten its destruction. May they recall the prophetic words of Daniel Webster when, pleading for the preservation of constitutional government, he said:

Who shall reconstruct the fabric of demolished Government? Who shall rear again the well-proportioned columns of constitutional liberty? Who shall frame together the skillful architecture which unites National sovereignty with State rights, individual security, and public prosperity? No; if these columns fall, they will be raised not again. Like the Coliseum and the Parthenon, they will be destined to a mournful, a melancholy immortality. Bitterer tears, however, will flow over them, than were ever shed over the monuments of Roman or Grecian art; for they will be the remnants of a more glorious edifice than Greece or Rome ever saw, the edifice of constitutional American liberty.

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

Mr. ROBERTSON. I yield.

Mr. HILL. Would the Senator from Virginia find it objectionable if I congratulated him and commended him for his very able and most masterful presentation here today?

Mr. ROBERTSON. Well, the Senator from Virginia has been overpraised before, but he could not truthfully say he found it objectionable. I thank the Senator very much.

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

Mr. ROBERTSON. I yield.

Mr. DOUGLAS. Does the Senator from Illinois correctly understand, in view of the long quotation from Patrick Henry opposing ratification of the Federal Constitution which the Senator made, that the Senator from Virginia believes Virginia should not have ratified the Constitution and therefore should not have joined the United States of America?

Mr. ROBERTSON. The Senator from Virginia for a long time thought that the protests and fears of Patrick Henry were unjustified. The Senator from Virginia was very strongly in favor of ratification of the Constitution, because he had three ancestors who voted for

Madison's ratification and felt that was the right thing to do; but since we have been ignoring the modifications Madison put in there in the 10th amendment to carry out the original compacts, the Senator from Virginia merely says Patrick Henry had a little more foresight than the Senator from Virginia thought he had when he said we were going to abolish slavery, we were going to crimp trial by jury—that proposal was offered here, and just failed—and we were going to spend ourselves into bankruptcy because Congress would have the sword in one hand and the purse in the other. As I look at it now, Patrick Henry was not nearly so far wrong as I used to think he was.

Mr. DOUGLAS. Does the Senator from Virginia believe, therefore, that it would have been desirable if Virginia had not ratified the Constitution and had not joined the United States of America?

Mr. ROBERTSON. Oh, no. The Articles of Confederation were hopelessly inadequate. We could not develop our foreign trade under those Articles. Virginia had tobacco the foreign nations wanted to buy and the South had cotton which they also wanted. We not only had no adequate foreign trade but were hampered in trade between the States. New Jersey, for instance, would ship firewood to New York and New York would put a tariff on it. That situation was intolerable. We did not have a Senate. We did not have a President. We did not have the power to finance the kind of government that we needed. We needed a better union. We needed a Federal union. What does the dictionary say a Federal union means? It says that it means a union of sovereign States. When Patrick Henry said that the Philadelphia Constitution would take away the rights of the people and the powers of the States, the reply was that the Constitution did not mean what he claimed, but to get ratification we had to spell those reservations out in the 9th and 10th amendments. Now we have eroded the 10th amendment until the Constitution does not mean what it meant 50 years ago. I quoted Justice Jackson on that point. The Supreme Court is not going to protect us. It is a matter of self-restraint. How much of that do we have left?

Mr. DOUGLAS. I should like to ask the Senator from Virginia whether he believes that we should have a Confederate States of America rather than a United States of America.

Mr. ROBERTSON. Oh, well, the Senator is dealing in semantics. If it is to be a Federal union, it must be a union of sovereign States. That is what was intended. I am afraid that the time will come when we will not have it any more.

Mr. DOUGLAS. Then the Senator from Virginia believes that we should have a Confederate States of America, not a United States of America. Is that correct?

Mr. ROBERTSON. No; the Senator is trying to make me say that I would prefer the government of the Confederacy to the government of Jefferson and Madison. I prefer the government that Madison and Jefferson brought into being. I believe it is above the Confederacy that existed at one time. Let me tell my friend from Illinois——

Mr. DOUGLAS. Does the Senator from Virginia believe——

Mr. ROBERTSON. If the Senator will permit me I will tell him about what the nine States of the Confederation provided. They had some good points in their laws. It was not possible to appropriate so as to create a deficit without a two-thirds vote. They also provided for the item veto. They could not vote for a deficit except by a two-thirds vote.

Mr. DOUGLAS. Does the Senator from Virginia remember that the Confederate States provided for moving the previous question?

Mr. ROBERTSON. I do not remember that.

Mr. DOUGLAS. That is correct. It provided for moving the previous question.

Mr. ROBERTSON. Well, that was a mistake. [Laughter.]

The PRESIDING OFFICER. Does the Senator from Virginia yield the floor?

Mr. ROBERTSON. I yield the floor.

Mr. KUCHEL. Mr. President, at the opening of this new Congress, once again Members of the Senate have an opportunity to stand up and be counted upon a desperately important and vital issue. It affects, not alone, the Senate. It affects the Nation as well. Senators, by yea-and-nay votes which they will cast in the next several days, will indicate whether they desire to have the business of the U.S. Senate transacted in an orderly fashion, or whether they desire to continue the sham and the hypocrisy of filibustering by which, on all too many occasions, the public business has been stultified and orderly procedures in the Senate destroyed.

This is my 10th year as a Member of the Senate. The other day the Presiding Officer (Mr. KENNEDY in the chair) and I took our oath together in the Senate, to serve here, to serve our Nation, and to serve our States.

It is a thrilling and exhilarating experience to be a Member of the Senate. It is a wonderful and glorious responsibility to sit here with 99 other dedicated men and women and to share the responsibility of determining how the business of the American Government shall be conducted in these crucially important 1960's.

How shameful, therefore, that a small minority of Senators can prevent a majority, sometimes an overwhelming majority, from discharging their responsibilities by casting their votes upon whatever issue then pends before the Senate.

Those of us who have joined in sponsoring Senate Resolution 10 simply contend that the Constitution of the United States gives to the Senate, as it does to the House of Representatives, as each meets in a new Congress, the right to determine the rules of its proceedings. That is what it says. Article 1, section 5, of the Constitution of the United States declares:

> Each House may determine the rules of its proceedings.

That is a clear, unequivocal right, indeed, a duty, for us.

If Senators by a majority vote do not exercise that right in these opening days of Congress, I take it they will be deemed to acquiesce in the rules adopted 2 years ago, and to that extent will by implication approve the so-called filibuster rule, under which a minority of the Members of the Senate can effectively destroy the right of a majority of Senators to pass their judgment on whatever legislation is pending.

In the last presidential election each party, the Democratic Party and my party, the Republican Party, made commitments to the American people on this subject.

I am glad to recall that the Republican national platform and the Democratic national platform both promised the American people to rid the Congress from undemocratic and anachronistic procedures which stultify the theory of self-government as we revere and respect it in this country.

I am proud to recall that the platform of my party, the Republican Party, specifically promised the American people to eliminate the filibuster from the U.S. Senate.

This is no partisan problem. It is a problem that is far more important than Senators or the Senate. It is a problem that confronts the country, that brings into question the capacity of the people's representatives to legislate.

I am delighted that in the sponsorship of Senate Resolution 10, Democrats and Republicans are joined together in a reasonable and effective proposal which I shall describe in a few moments.

The present rule XXII of the Senate provides that 16 Senators may sign a petition to invoke cloture. When 16 Senators have signed such a petition, and 2 legislative days have elapsed, the Presiding Officer asks the Members of the Senate whether they desire to invoke cloture. If two-thirds of those present and voting answer in the affirmative, cloture is invoked. Thereafter each Senator has the right to speak 1 additional hour, debate is limited to 100 hours in all, before finally the Members of the Senate vote on the issue before them.

In the last 10 years I have signed several cloture petitions. I do not recall that any of them was ever approved, with one exception. That was a year ago. The problem dealt with a bill which, incidentally, had nothing to do with civil rights. Cloture was invoked on that occasion, but it was invoked, in part, because some of our colleagues who defend the filibuster were not in the Chamber to vote. If they had been, they would unquestionably have voted against cloture, and two-thirds of the Members of the Senate would not have been present to approve it.

I think there are times when the public interest might well indicate to two-thirds of the Senators, and more, that 2 days after a petition were filed, debate should be terminated. Think of some grave national emergency. Think that perhaps a handful of Senators, for whatever purposes motivated them, opposed a position which, for example, a President of the

United States, and the Nation as a whole, might take with respect to proposed legislation. Under the present rules of the Senate, I believe that after 2 days had elapsed a cloture provision would be approved overwhelmingly by this body.

But suppose that there were in the U.S. Senate a strong minority which did not want the Senate to vote on a bill, and were prepared to use the misnamed rule of "unlimited" debate in order to prevent Senators from voting. We who have joined in submitting this motion believe that U.S. Senators, after a long period of time, after the passage of many weeks, ought to have the right, finally, by majority vote, to bring before the Senate the question pending, so that Senators might pass judgment upon it. Under our proposal, we would allow the present two-thirds, 2-day cloture provision to remain, but would add to it a second or alternative provision that a majority of the Members of this body—51 Senators—after 15 days of debate, would be able to invoke cloture if at long last they so desired.

Mr. President, I ask unanimous consent that the text of our resolution be printed as a part of my comments.

There being no objection, the text of the resolution (S. Res. 10) was ordered to be printed in the RECORD, as follows:

Resolved, That rule XXII of the Standing Rules of the Senate is amended by redesignating section 3 of the said rule as section 4 and by adding a new section 3 as follows:

"3. If at any time, notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, a motion, signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this section, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the fifteenth calendar day thereafter (exclusive of Sundays, legal holidays, and nonsession days) he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without further debate, submit to the Senate by a yea-and-nay vote the question:

"'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by a majority vote of the Senators duly chosen and sworn, then said measure, motion or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter, debate upon the measure, motion or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions with respect thereto, shall be limited in all, unless additional time is provided in accordance with this rule, to not more than one hundred hours, of which fifty hours will be controlled by the majority leader and fifty hours will be controlled by the minority leader. The majority and minority leaders will divide equally the time allocated among those Senators favoring and those Senators opposing the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and the motions affecting the same: *Provided, however*, That any Senator so requesting shall be allocated a minimum total of one hour. It shall be the duty of the Presiding Officer to keep the time. The above provisions for time in this paragraph are minimum guarantees and the motion to bring the debate to a close may specify additional time for debate. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment not germane shall be in order. Points of order including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate."

Mr. KUCHEL. Mr. President, I wish to make it perfectly clear that while we provide in our cloture resolution for 15 legislative days to elapse before voting, in actual practice far more than 15 legislative days would pass before cloture would be available to be invoked by a majority of the membership of the Senate. Fifteen legislative days would constitute about 3 weeks. I suppose that each legislative day would run 10, 12, or 14 hours, maybe more. But before 16 Senators signed a cloture petition, I am sure that Members of the Senate would want to determine what kind of debate was ensuing, whether there was a filibuster, whether, indeed, they should sign a cloture petition, which would not be filed on the opening days or weeks of oratory on a motion or a bill or a resolution.

Consider the situation in which the Senate now finds itself. A motion has been made to set a resolution for debate. That is the issue before the Senate. The issue is, Shall the Senate proceed to debate a rules change?

One of my beloved colleagues said the other day that he and the other opponents of our proposal were prepared to debate this question all 12 months of this calendar year. If he was quoted correctly, I respectfully suggest that that is a little longer than the rule of reason would indicate to determine whether Senators wanted to debate a rules change. We shall see how long this debate continues. We intend, using the American Constitution as our authority, to give Senators an opportunity to prevent a 12-month long debate.

After Senators have been given an opportunity, if they are given an opportunity, as they must be, to set a rules change for debate, then the same problem will arise all over again. Once again, the great and glorious theory of "unlimited" debate in the U.S. Senate will be available to Senators to talk the issue to death.

I have witnessed filibusters in my few years in the Senate. I can recall the late great Robert Taft, when he sat in the chair of the leader of the then majority party, determined to break a filibuster by keeping the Senate in constant session, 24 hours a day—all day long, all night long, never stopping. He felt that only by wearing Senators down—and maybe out—could the filibuster be broken. Senators came here and got what sleep they could in the two cloakrooms and in the Marble Room, and anywhere else they could. Some of them slept in their offices. Quorums were called every 2 hours. We would all get up, dress, and come back here to the session in the Chamber to answer the quorums. That filibuster was brought to a conclusion because one Member of the Senate, so his doctor told him, was on the verge of a heart attack, and the filibuster was reluctantly called off.

I have witnessed other filibusters. On one occasion a filibuster lasted almost a whole month. I returned home to my family on Sundays; but from early Monday morning until late Saturday night, like most of my colleagues, I was here in the Senate.

This is an age of speed. Communications are instantaneous. The transportation of people and of things around the globe takes relatively but a few moments. Your brother, the President of the United States, Mr. President, when he spoke to Congress on the state of the Union, indicated the vast and dangerous problems which confront our Nation. This country had a grave problem last October. It is not yet solved, but the most frightful danger, apparently, was eliminated. Yet the U.S. Senate can be frustrated. The U.S. Senate can be prevented—effectively and finally prevented—from acting, on any question, no matter how crucial, if Senators, less than a clear majority, wish to prevent the majority from acting.

I want to see the Senate follow orderly procedure. I want to see full debate on every issue. I want to see every Senator given an opportunity to speak as long as he desires to speak honorably and relevantly with respect to the issue at hand. But finally, I want Senators, who come here by the grace of the electorate, to be compelled to vote, using whatever brains God put in their heads to vote the way they believe they ought to vote in order to satisfy the public interest. Mr. President, what a regrettable chapter in the history of the U.S. Senate it was, only a few months ago, when pending here was a bill, promised by both parties, to prevent the misapplication of so-called literacy tests, in order to deny some citizens of this country the right to vote. But the Senate could not vote on that bill; Senators did not have an opportunity to vote on it. That bill was set aside because some Senators, a minority, said, "We will not let the Senate vote on it."

Mr. President, it is all very well and good for some to say, "The Senate can change its rules by majority vote whenever it wishes to; whenever there is in the Senate a majority of Senators who wish to change its rules, a majority of the Senate can change its rules." But, Mr. President, that is not so, because there exists the vicious rule under which Senators can be prevented from voting at all.

Mr. President, those of us who join in the petition believe it is just and right for a majority of Senators, after many weeks of debate, to terminate the debate, so that a vote may be taken. But the provisions of our resolution also give 100 hours of additional debate, after 51 Senators invoke cloture. Anyone who claims that our proposal is a gag rule is completely wrong, Mr. President, in my judgment, is provably wrong. We wish to give 51 U.S. Senators the right—when they determine that debate, after many weeks, has reasonably been exhausted—to proceed with the business of the American people. That is what we desire;

that is what we work for. We hope Senators will join us in these beginning days of this new Congress, under the Constitution.

Across the street, carved on the entrance to the U.S. Supreme Court Building, is an exalted America maxim, "Equal justice under law." Mr. President, this country came into being in order to give all Americans equal justice under law. All American citizens are equal before the law, whether they be black, white, Catholic, Jew, Protestant, Mohammedan, or whatever is their racial or religious background. All American citizens are equal before the law. But, in all too many cases in the U.S. Senate, a minority of the membership is superior to a majority of the membership. The majority in the Senate is, all too often, unequal to the minority before the law of the Senate.

Mr. President, the other day it was said—and I think it bears repeating as I conclude—that a majority of the Members of the Senate and of the Members of the House of Representatives can, constitutionally, plunge this country into war. A majority of the Members of the U.S. Senate can, constitutionally, pass legislation. A majority of the Members of the U.S. Senate can change the rules of the Senate.

We urge our colleagues to give the most serious consideration to our plea to them that now, at the beginning of a new session of Congress, by majority vote, exercising a constitutional responsibility which Senators have, they vote to terminate debate at the proper time, in order that a majority of Senators, if they see fit to do so—as we hope and pray they will—will shear away from the procedures of the Senate the filibuster rule and all of the undemocratic and odious arrangements by which that rule enables a few to prevent the many from voting on legislation in the public interest.

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

Mr. MORSE. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Debate is not now in order.

Mr. MORSE. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The only question is whether there is objection to the request. If there is objection to the request, the clerk will continue the call of the roll.

Mr. MORSE. If the Chair does not wish to hear my reasons, so that my friend, the Senator from Florida, may reply, I object; and I call for a live quorum.

The PRESIDING OFFICER. Objection is heard; and the clerk will continue the call of the roll.

The legislative clerk continued and concluded the call of the roll, and the following Senators answered to their names:

[No. 3 Leg.]

Aiken	Hart	Moss
Anderson	Hayden	Mundt
Bartlett	Hickenlooper	Muskie
Bayh	Hill	Nelson
Beall	Holland	Neuberger
Bennett	Hruska	Pastore
Bible	Humphrey	Pearson
Boggs	Inouye	Pell
Brewster	Jackson	Prouty
Burdick	Javits	Proxmire
Byrd, W. Va.	Jordan, Idaho	Randolph
Carlson	Keating	Ribicoff
Case	Kennedy	Robertson
Church	Kuchel	Russell
Clark	Lausche	Saltonstall
Cooper	Long, Mo.	Simpson
Cotton	Long, La.	Smathers
Curtis	Magnuson	Smith
Dodd	Mansfield	Sparkman
Dominick	McCarthy	Stennis
Douglas	McClellan	Symington
Eastland	McGee	Talmadge
Edmondson	McIntyre	Tower
Engle	McNamara	Williams, N.J.
Ervin	Mechem	Williams, Del.
Fong	Metcalf	Yarborough
Fulbright	Miller	Young, N. Dak.
Goldwater	Monroney	Young, Ohio
Gruening	Morse	

The PRESIDING OFFICER (Mr. BAYH in the chair). A quorum is present. The question is on agreeing to the motion to proceed to the consideration of Senate Resolution 9.

Mr. SMATHERS. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. SMATHERS. Mr. President, once again we are confronted with the issue of further amending rule XXII; the objective of which is to place a greater limitation on free debate in the U.S. Senate.

The various proposals would, if adopted, permit the cutting off of debate by a mere majority of the Senate, by a mere majority of those present and voting, or by three-fifths of those present and voting.

Freedom of debate in the Senate has without question served this great Nation of ours constructively and well over the many years of its history. It has been the pillar of strength upon which we have maintained and preserved our constitutional government.

Some may argue that the principle of unlimited debate is subject to some abuse, and such might in certain instances seem to be the case, but the benefits which have been derived by this Nation and its people far outweigh any real harm resulting from it.

In my opinion, any further relaxation of rule XXII would seriously impair the maintenance of constitutional government and individual liberty in this Nation. We should therefore waste no time in these days when we have many other problems with which to deal in rejecting this attempt to corrode the citadel of liberty.

Mr. President, I know of no major legislation, and this includes civil rights legislation, that has ever been prevented from consideration or passage by reason of extended debate.

Under the existing rule, cloture was invoked in the last session of the Congress in connection with the consideration of the satellite communication bill, thereby demonstrating that when two-thirds of Senators believe the debate has gone on long enough, they can bring that debate to an end.

Why, then, is there a necessity for further relaxation of rule XXII? The fact is that there is none.

Some of the proponents may argue that further modification of this rule would make it easier to enact civil rights legislation. This argument falls by the wayside, because we have seen in recent years the enactment of two civil rights bills.

Some may argue that we need to change the rule to speed the legislative process.

This argument is equally untenable. Following this concept, the will of a mere majority, solely motivated by passion, irritation, or zeal, could run roughshod over a minority, and deprive the minority from expressing its views freely in all matters of public interest. Subjecting a minority to the whim of a majority under such circumstances would destroy conscientious deliberation and free discussion of matters affecting the welfare of the Nation.

Without temperate consideration of all measures affecting the public interest in an atmosphere where reason, justice, and truth can be fully explored, great harm could come to our democratic way of life. It is with this thought in mind that our Founding Fathers created this great body so as to insure the preservation of this principle.

Majority rule stampeding its will in utter disregard of minorities could wreak havoc on the Nation as a whole and lead us down the path to tyrannical government.

In his "Manual of Parliamentary Procedure," Thomas Jefferson wrote as follows:

> The rules of the Senate which allow full freedom of debate are designed for protection of the minority, and this design is a part of the warp and woof of our Constitution. You cannot remove it without damaging the whole fabric. Therefore, before tampering with this right, we should assure ourselves that what is lost will not be greater than what is gained.

Note the careful admonition of Jefferson that "before tampering with this right we should assure ourselves that what is lost will not be greater than what is gained." This is sage advice which should not be taken lightly. The right of which he speaks is the foundation upon which this great Republic has endured, and will continue to endure.

Former President Franklin D. Roosevelt, while Governor of New York, foresaw just such dangers. In a radio address on States rights delivered on March 2, 1930, he stated:

> The moment a mere numerical superiority by either States or voters in this country proceeds to ignore the needs and desires of the minority, and, for their own selfish purposes or advancement, hamper or oppress that minority or debar them in any way from equal privileges and equal rights—that moment will mark the failure of our constitutional system.

This body cannot ignore the warnings of great men of the past. Constitutional government cannot long endure by over-

riding the basic foundations upon which it is predicated. Corrosion of these foundations weakens the safeguards of our liberties.

Free and unfettered debate is what gained for this great body the well-deserved reputation of being the world's greatest deliberative assembly.

In my opinion, any further relaxation of rule XXII would unduly limit freedom of debate and eventually destroy the fundamental basic relationship that presently exists consonant with the Constitution of the United States. Wisdom, reason, and justice dictate that only through unlimited debate can we preserve individual liberties, maintain a government of law, and fully protect the rights of each State to be equally represented pursuant to the Constitution of the United States.

Only by preserving this great principle can we insure that reason, truth, and justice will prevail.

Think what might be the result under the circumstances existing in this body today if, God forbid, any of these proposals were ever adopted. The Senate, being comprised of 67 Democrats and 33 Republicans, the majority party on any political issue could stifle and limit free debate of the minority party. In other words, it is conceivable that, under the proposal, the majority party could gag the minority party completely.

Often I wonder how many of us have sufficiently pondered the intricate and interwoven nature of our political system of government. I must confess that I am continually amazed at the way in which every feature of that system leads to and from almost every other facet of the structure.

Our Federal Government, and the political system of which it is a part, is like a gigantic, three-dimensional web, with every strand intimately connected to every other. Cut one strand and the entire structure is immediately warped or weakened.

The various elements of the Federal Government, of the State governments, and of our political parties are connected by a complex of relationships, formal and informal, legal and extralegal, institutional and traditional. Each supports the others, and all depend upon the existence of certain objective conditions.

I do not mean to imply by this analogy that nothing in that system may ever be changed. While I yield to no one in my admiration for the work of the Founding Fathers, I am quite aware that our country could not have continued without changing some of the details of the structure they built. The Founding Fathers themselves were quite aware of the need for flexibility, and gave us ample leeway for any alterations which the passage of time might make necessary.

But in certain fundamentals, the men who devised the Constitution of the United States knew about the ways in which our system of government must operate in order to remain viable.

What those men did in Philadelphia 176 years ago was to construct an edifice adapted to the peculiar circumstances and needs of this country. They based that structure upon principles rooted in the need to maintain the unity of the Nation. The political house in which we live was designed by architects who had in mind traditions, geographical features, and people.

We have considerably expanded that house since 1787. We have built new wings to provide shelter for greater diversity. But we have never altered the basic style of the building. We have known, and know only too well, that its fundamental structure is the one in which we can best flourish and remain strong. Over the years that basic style, that devotion to special principles of government, has been stamped upon almost every feature of our political system.

In my opinion, this is to the credit of the United States of America. To me it reflects the high degree of political sophistication we have attained. It illustrates the way in which those basic principles permeate every aspect of the way in which we govern ourselves. And it is a further proof that those basic principles do indeed nourish the liberties of our people.

One of those principles was perhaps best explained by James Madison. Addressing himself to the question of whether the Constitution he was defending in the Federalist was Federal or national in character, he wrote:

> The proposed Constitution is, in strictness, neither a national nor a Federal Constitution, but a composition of both. In its foundation it is Federal, not national; in the sources from which the ordinary powers of the Government are drawn, it is partly Federal and partly national; in the operation of these powers, it is national, not Federal; in the extent of them, again, it is Federal, not national; and, finally, in the authoritative mode of introducing amendments, it is neither wholly Federal nor wholly national (Federalist, No. 39).

In short, the Government of the United States is both Federal and National in character. To my mind, both aspects of that character must be maintained to insure the future health of the Nation.

The embodiment of that Federal character lies in the States of the Union and in our own great legislative body, the Senate of the United States.

The House of Representatives represents the people of this country as groups divided into roughly equal population units. It was created and designed to give the people direct representation.

The Senate, on the other hand, was created to represent the people as States. In this sense, it serves an electorate differently from that of the House of Representatives or of the President.

Let me make it clear that the people of the United States have continued to make use of this Federal aspect of our system not for sentimental reasons, not because of habit, and not solely for the sake of reverence for tradition.

There is nothing mystical about the necessity for the maintenance of States rights and for the continuation of a system of sovereign States within a sovereign Union. We have kept that system for immensely practical reasons.

The first thing we believe is that the closer government is kept to the people, the more responsive it will be. There is nothing more practical than that.

We also believe, and I think the American people instinctively recognize, that our political system must take into account the difficulties created by the vast size of the United States, by its enormous diversity of geographical conditions, economic interests, social habits, racial and religious backgrounds, and sectional problems.

The vehicle for the representation of this multitude of interests is our system of States represented by the Senate. One of the great purposes of the Senate is to act as a compromiser of these interests. The unity of the Republic, and therefore its continued existence, depends upon the principle that the conflicting interests of States and sections must be reconciled and harmonized. The Senate is the preeminent guardian of this system.

Of course, the Senate has other basic functions in our system. One of these is illustrated by the story told of Thomas Jefferson, who, on his return from France where he had served during the writing of the Constitution, called on President Washington. At the breakfast table, Jefferson demanded to know why Washington had agreed to a second Chamber in the legislature.

Asked Washington:

> Why did you pour that coffee into the saucer?

Replied Jefferson:

> To cool it.

Said the President:

> Even so, we pour legislation into the senatorial saucer to cool it.

James Madison, one of the great scholars among the Founding Fathers wrote:

> The use of the Senate is to consist in its proceedings with more coolness, with more system, and with more wisdom, than the popular branch.

As has been pointed out on innumerable occasions and by every scholar of the Senate, this body was meant to be a deliberative body.

It was meant to assure to the American people a forum in which full and complete debate could take place.

It was meant to provide a balance to hurried consideration of important measures.

It was designed as an institution in which the coolness of reason and fact could find a congenial haven, with time for consideration and assessment.

It has developed into a primary organ for the enlightenment of public opinion through extensive debate of the issues.

The reputation of the Senate as a great deliberative body was earned during the 19th century. Every great issue of that decade was pounded out in infinite detail in this body. Internal improvements, the removal of the deposits from the U.S. bank, the famous Clay compromises, the bitter conflict over slavery, tariff and railroad legislation, the control of monopoly—these were but a few of the great

problems in which the Senate's deliberative processes played an important role.

This feature of our Government is precious to the well-being of the country. No other nation in the world possesses it. We should be all the more reluctant to give it up.

To sum up, the men who wrote the Constitution envisioned a Senate with at least this great quality; an unparalleled ability to provide full and deliberate attention to all important measures with safeguards sufficient to compensate for momentary passions.

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

Mr. SMATHERS. I am happy to yield to the Senator from Alabama.

Mr. HILL. Does the Senator know of any measure which has been killed in the Senate by free and extended debate and which was worthy of passage and whose defeat was a great loss to the people of the country?

Mr. SMATHERS. I know of no such proposed legislation in the 12 years I have been in the Senate.

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

Mr. SMATHERS. I yield.

Mr. DOUGLAS. How does the Senator feel about the literacy test bill of last year?

Mr. SMATHERS. I believe the question of the Senator from Alabama was directed to measures the passage of which he thought would have injured the country. The measure to which the Senator from Illinois refers is not one of those measures.

Mr. DOUGLAS. Then why not let the Members of the Senate vote on the question, instead of preventing a vote by interminable discussion?

Mr. SMATHERS. I am confident the Senator from Illinois remembers the occasion when he endeavored to keep the Senate from voting on the Telstar bill. After more than 2 months of debate, the Senate finally decided that the time had come, in the interest of the country, to bring about cloture. Cloture was adopted, and we finally were able to get to a vote. I am satisfied that on almost any proposition and on any program that is advocated, in connection with which there is a great feeling that it is desirable to have final passage of it, it can be passed under the present rule.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that I may be permitted to reply to the statement of the Senator from Florida.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOUGLAS. I may say to my good friend from Florida that what I objected to then was the unequal application of the rules. We had earlier gone through a period in which the leadership on both sides was extremely lenient to Senators who were filibustering against the civil rights bill. There were no Saturday sessions and no evening sessions. Larded and full compliments were paid to the leaders of the filibuster. There was no real attempt to break the filibuster.

However, when it came to turning over the communications satellite to a powerful trust, the bipartisan leadership, on both sides of the aisle, and the political and economic establishment combined after only about 12 days of substantial debate to put cloture through and to put down the opposition. I objected to that unequal treatment.

Mr. SMATHERS. Will the Senator permit me to respond to him at that point?

Mr. DOUGLAS. Certainly.

Mr. SMATHERS. It seemed to be the consensus of opinion, certainly of most Senators, that after we had debated the bill, which had been considered by three different committees, and had debated it for I do not remember how long, and after we had used up something like 16 CONGRESSIONAL RECORDS, for about 6 weeks, it was about as lengthy a discussion as I had ever witnessed and, I think, as had ever been had on the floor of the Senate.

After that time, and not in any measure to cut off the brilliant arguments being made by the Senator from Illinois and other Senators, but only in the general public interest and to get on with the business of Congress and to make some decision one way or the other with respect to Telstar, cloture finally was adopted.

Frankly, I thought that the leadership—and the leadership does not need any defense from me—was extremely charitable in its attitude toward the able Senator from Illinois and his colleagues, who at that time were taking the position that the communications satellite bill was not a good bill for the country.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that I may be permitted to reply, without the Senator from Florida losing his right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOUGLAS. Mr. President, what we face fundamentally with respect to civil rights matters, where a two-thirds vote is necessary, is this: While there are a few Senators from the States of the Confederacy who have reservations about this subject and are probably not joining in the present filibuster, which is now beginning, nevertheless, when the time for a vote comes, the Senators from the 11 States of the Confederacy always vote against a limitation of debate.

Then we need also to remember that Kentucky, Maryland, and Delaware were slave States and carry over, in part, some of the traditions of the Old South. Of the six Senators from those States, there are generally at least four who will vote against cloture.

Then if we move to the Southwest, we find Oklahoma, which, though it has a degree of breezy westernness about it, is strongly permeated by Southern traditions.

Then we come to Arizona and New Mexico. They are on the Santa Fe Trail. Of the southerners who went out to California, those who did not make the distance dropped off along the way and created the population base of New Mexico and Arizona. So from those three Southwestern States, there are generally four, sometimes five, Senators who will vote against a limitation of debate. This brings us up to 31.

Then there is Nevada, the State of the Union having the smallest population. Nevada does not like to give up its veto power in these matters, so Nevada generally joins the South.

Then there are the crypto-southerners, distributed among the Republican Party in the Midwest, with an occasional vote in the North, Republican Senators whom the South will assist in matters of wheat and other issues, and who find the alliance very convenient to maintain.

So in practice it is impossible to get the two-thirds, even though a majority of the country wants it.

The Senator from Florida [Mr. SMATHERS] is one of the three expert leaders of the Democratic Party on the floor of the Senate. He knows this perfectly well. There is no use fooling the Senate or fooling the country. It will never be possible to get cloture on meaningful civil rights measures so long as the two-thirds rule remains.

Mr. SMATHERS. Then will the Senator from Illinois admit by that statement that the only reason he wishes to do away with the two-thirds rule is primarily to protect civil rights?

Mr. DOUGLAS. That is the primary reason.

Mr. SMATHERS. The Senator from Illinois will agree, will he not, that two civil rights bills which were fully debated have been passed in recent Congresses?

Mr. DOUGLAS. Will the Senator from Florida permit me to reply?

Mr. SMATHERS. Yes.

Mr. DOUGLAS. The content of those civil rights bills reminds me of Abraham Lincoln's description of a soup which was made from the shadow of a crow which had starved to death. The southerners permitted those bills to pass only when they knew there was really little or no substance to them.

Mr. SMATHERS. The Senator from Illinois seems to assume that if other Senators do not agree with him, something appears to be wrong with them.

Mr. DOUGLAS. No.

Mr. SMATHERS. Those civil rights measures were debated and adopted by a big majority. I am sure the Senator from Illinois does not wish to imply that the other Senators were not doing that which they thought was right.

Mr. DOUGLAS. Oh, no.

Mr. SMATHERS. Or were voting for a bill which they thought was not a good bill.

Mr. DOUGLAS. Oh, no. I simply say that I know that those who favored the civil rights measure were told that if such a provision were included, the southerners would kill the whole measure by talking it to death. So the southerners exercised a tacit influence over the whole nature of the bill.

Then the southerners went through the motions of filibustering in order to square themselves with their constituents in the South, knowing they had not made any real concession whatsoever.

I am one who does not believe in hypocrisy. I think we might as well know what happened. That was precisely what happened in 1957.

Mr. SMATHERS. Other Senators do not need any defense from me; but it

seems to me to be unfair for the Senator from Illinois to tell about what all the other Senators were thinking. I think it is well and good for the Senator from Illinois to express his own view. When he said it was a matter of hypocrisy——

Mr. DOUGLAS. I did not say that. I said I do not believe in hypocrisy.

Mr. SMATHERS. By indirection, the Senator from Illinois means that other Senators do, because they passed the bill.

I have observed with great admiration the brilliant mind of the Senator from Illinois. I have observed over many years that it seems to be one of his dispositions to presume that "people should agree with me; and if they do not agree with me, then somehow they are indulging, perhaps, in a little hypocrisy, even though they may not know it."

I believe that most southerners and most midwesterners—in fact, most of the Senators who voted for the bill—thought it was a good civil rights bill. But we from the South did not think it was necessary. We spoke against it and worked against it. But it was passed.

It was hailed in many quarters as being a magnificent step in bringing about further so-called civil rights legislation. I read and heard stories about it. Everyone who wanted credit took credit for it. So it seemed to me, as a sort of innocent, relatively new Member of the Senate at that time, that it was a pretty good bill for them and a pretty bad bill for us.

Mr. DOUGLAS. The Senator from Florida knows perfectly well that if there is a civil rights measure of a meaningful nature, having any real susbtance to it, the "battalion of death," the 18 Senators who, I understand, are organized in teams of 6 each to fight this proposal, can prevent it from coming to a vote by interminable talk, by quorum calls at all hours of the day and night. If they have the help of the Senate leadership, they can prevent it from coming to a vote. We know that.

Mr. SMATHERS. As I understand, the other side is organized pretty well. Is not the Senator from Illinois on some team?

Mr. DOUGLAS. We are only a team trying to enable the Senate as a whole to decide by majority vote what type of rules it wants with respect to a limitation of debate. That is the only team we are on. We are not here to defeat the will of the majority; we are here as humble instruments in order to make the will of the majority prevail.

Mr. SMATHERS. I think we are in a moment of great candor, such as the Senator spoke about. Let us be frank. A moment ago he said that the reason a change in the rules is proposed is to enable the passage of civil rights legislation.

Mr. DOUGLAS. A majority of the country wants to have a civil rights bill, and the majority of the Senate, if the issue were ever presented to it, would pass it. Then why filibuster? The filibusterers know that if these issues are brought to a vote, they will pass; so they try, by interminable means, to prevent these measures from coming to a vote.

Mr. SMATHERS. Last year, the Senate finally exercised its will with respect to the Telstar bill by closing debate.

Mr. DOUGLAS. That is correct.

Mr. SMATHERS. When there is a sufficiently large number of Senators who believe that certain legislation should be passed, the Senate can act.

Mr. DOUGLAS. On noncivil rights matters, I think the Senate can act; but on civil rights matters, it cannot act for the reasons I have mentioned.

Mr. SMATHERS. I have the feeling that if we had before us the consideration of proposed legislation on civil rights matters that was not punitive in nature, we might be able to achieve what the Senator from Illinois wishes to achieve.

Mr. DOUGLAS. Does the Senator from Florida mean that if there were ineffective civil rights legislation, the South would have no objection to its passage?

Mr. SMATHERS. Perhaps the Senator from Illinois would like to call it ineffective. Some of us believe it to be in the nature of punitive legislation; there is that difference of opinion.

Mr. President, here, then, we have those basic principles I mentioned earlier: a system combining the essential qualities of federalism and National Government, the elected bodies of which represent the total population organized into different electorates, with the Senate acting as the great compromiser of State and sectional interests, using as its primary defense of minorities the right of responsible extended debate.

Today, unfortunately, this right is widely viewed solely as a refuge for the South. This is, of course, totally untrue. In the long history of the Senate that right has been used to protect minority interests of every kind and of every section of the country. It has been used alike by liberals and conservatives.

Frankly, and without for a moment doubting their sincerity, I find it difficult to understand the reasoning of those who, while they inveigh against the right of unlimited discussion, do not hesitate to use it whenever it suits their purposes. One who puts himself in such a position in effect condones the theory that the end justifies the means.

As was discussed a moment ago between myself and the able Senator from Illinois, we remember that last year the Telstar, or the communications bill, was before the Senate. It was felt then by a little band of self-styled liberals that that particular legislation was bad. They went to great lengths to use every parliamentary device at hand to carry out the debate to such length that eventually, they hoped, the bill could not be passed. I think it was the longest debate we have had in the Senate—certainly the longest in the 12 years I have been a Senator. Finally, the will of the Senate was such that a great majority of the Members of the Senate felt the discussion had gone on at such length that it should be brought to a stop, and, under the present rules, those we now have, we were able to stop the debate, have a vote on the bill, and go forward with the work of the Senate.

So I think it has been amply demonstrated that the present rules provide for the stopping of unlimited debate when there is a great need to stop that unlimited debate and get on with the work of the Senate.

In my view, of course, the means in this instance is a perfectly acceptable one. Its use by virtually every minority in the history of the Senate to protect its legitimate interest is fully in accord with the basic principles of our political system. In fact, its very usage, in the face of the inevitable distaste and condemnation to which it is subject, argues for the necessity of its existence.

Which one of us is not in the minority? Which one of us does not represent some minority? Who in this country does not belong to some minority?

The fact is that this is a nation of minorities. The very concept of a majority, a word which is thrown about with great abandon, is something of a half-truth when applied to the legistive process in this country. Majorities here are conglomerations of minorities united on a particular issue for varying reasons. Who in this body is not aware of the shifting nature of these coalitions and alliances?

Politics, it is said, makes strange bedfellows. Of course it does, and not because men are unprincipled, but because they realize that legislative progress depends upon these marriages of convenience, which may dissolve overnight, but which bring legislation to fruition. A viable government is only possible when operated by reasonable men, and reasonable men are those who are willing to compromise.

This, in fact, is the normal course of events in both Houses of Congress. We each give a little and take a little and arrive at the best we can obtain. If we did not, government would collapse.

But what is the situation when a minority finds itself outnumbered on an issue on which it is unable to compromise, an issue it regards as vital to its very existence?

Here, I believe, we have arrived at the crux of a decisive problem in American politics. And here is where the most delicate judgment is required if the protection of minorities is to become nothing more than an empty phrase.

I recognize the complications of the situation and acknowledge the merit of many of the arguments put forward by those who are eager to see the will of the majority triumph. I hope they will equally admit that the matter is not as simple as they sometimes make it out to be.

There is seldom any clarification as to what kind of majority we are talking about. Do we mean a bare majority, one-half plus one of those voting? Do we mean a majority of a quorum? Do we mean a constitutional majority?

Is it absolutely necessary to the furtherance of the democratic ideal that all questions be decided by one of these majorities? The Constitution itself denies this concept. That historic and cherished document declares that certain matters must command varying types of majorities for passage.

No person, says the Constitution, shall be convicted, having been impeached, without the concurrence of two-thirds of the Senators present.

Each House has the right to expel any of its Members, but only on the concurrence of two-thirds of them.

The overriding of a Presidential veto requires a majority consisting of two-thirds of the Senate and the House of Representatives.

When the choosing of the President devolves upon the House of Representatives, the choice is made not by a majority of the Members but by a majority of all the States.

The advice and consent of the Senate to treaties negotiated by the President requires a vote of two-thirds of the Senators present.

Amendments to the Constitution must be proposed by a vote of two-thirds of both Houses of Congress or by two-thirds of the several States, and become valid only on the ratification of three-fourths of all the States.

I have yet to hear a reasonable explanation of these constitutional provisions and of their significance from those who protest the inviolate sanctity of majority rule. And yet the explanation is not only simple but logical. I commented earlier on the extraordinary interdependence of every facet of our political system, and here again is an example of that phenomenon.

There are some decisions, the Constitution writers agreed, that are so significant, so vital, so crucial to the welfare of the Nation and to the true ideals of its existence that a majority of one-half plus 1 will not suffice. These are decisions of such moment that a wider consensus is justified. These are decisions the nature of which is such that the bare majority of the moment cannot be entrusted with the final word.

One would think, at first glance, that impeachment proceedings have no place in such a category. Yet the explanation of these provisions given in the Federalist letters by Alexander Hamilton is of the utmost importance. Hamilton wrote:

> A well-constituted court for the trial of impeachment is an object not more to be desired than difficult to be obtained in a government wholly elective. The subjects of its jurisdiction are those offenses which proceed from the misconduct of public men, or in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated political, as they relate chiefly to injuries done to the society itself. The prosecution of them, for this reason, will seldom fail to agitate the passions of the whole community, and to divide it into parties more or less friendly or inimical to the accused * * *. In such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties than by the real demonstrations of innocence or guilt (Federalist, No. 65).

Mr. President, if any proof of the extraordinary political sagacity of our forefathers were required, if an example of their phenomenal prescience were demanded, here are the words for all to see.

How incredibly apt and accurate are those phrases, when applied to some of the issues that underlie the current attempt to further modify the rules of this body.

Some matters—

Observed Hamilton—

> agitate the passions of the whole community, and * * * divide it into parties more or less friendly or inimical * * *.

In such instances, he reminds us, the greatest danger arises in the possibility that the decision will be made at the whim of the majority of the moment, and not made on the basis of facts but under the onslaught of passion.

Mr. President, the so-called civil rights issues which are said to motivate the attempt to curtail minority rights in this body are among the most passionate of our day. I do not question the sincerity or the humanity of those who champion these issues. But I think it is pertinent to inquire whether they are driven by reason or by emotion.

What other matters appeared to the Founding Fathers of such consequence as to require more than the concurrence of a bare majority? The right of each House of Congress to expel one of its Members is one. The overriding of a Presidential veto, surely a momentous event, is another. The choice of a President by the House of Representatives is still another, and here we ought to keep in mind that this was expected to occur rather frequently. The approval of treaties, a rather serious check upon the power of the President, is a further instance.

But perhaps the most significant of these unusual decisions was to be the amendment of the Constitution itself. And here the sages of our early years decreed the widest possible agreement, an affirmative vote of no less than three-fourths of all the States.

Why, why did those who so long ago wrestled with our future have no compunctions about requiring more than the usual majority for decisions of this sort?

The reason, as I have suggested, is both simple and logical. There are some matters of such consequence that no decision can be made, without endangering the very existence of the Nation, unless substantially every important minority in this country of minorities is agreed.

But are these matters enumerated in the Constitution the only ones of such phenomenal importance? Surely not. We could hardly expect even Madison, Hamilton, Franklin, Jay, and Washington to anticipate each and every issue of the decades that were to follow their labors. Instead, they and their successors provided us with this flexible instrument we call the Senate. And here they established a most extraordinary and almost automatic protection for the crucial rights of minorities.

The operation of this body depends upon the delicacy of the judgment of its Members. I do not deny that it may be open on occasions to irresponsibility. So is freedom of the press. So is the concept that a man is innocent until proven guilty. So is the condemnation of double jeopardy. But few will argue that the basic validity of these principles is diminished by the possibility that its rules may become subject to abuse.

In the day-to-day operation of the Senate, business is conducted on the basis of a bare majority. The minorities combine, dissolve, and realine themselves according to the issue, and those matters which can attract to themselves a sufficient number of minorities to achieve a bare majority of those present and voting carry the day. The conflicts which exist in the majority of the moment are compromised in the best interests of all. Surely no one will dispute with me if I estimate that roughly 99 percent or better of the business conducted by the Senate is transacted in this manner.

But a fraction of 1 percent of the issues that come before the Senate are of transcendent importance to at least one or more of the minorities here represented. These are issues upon which the section, the interest, or the minority involved feels in its heart of hearts that it can accept no compromise. Unavoidably there are such issues, and the South is not unique in the number it has championed.

PROPOSED STUDY AND INVESTIGATION OF ALLEGED SOLICITATION OF POLITICAL PARTY CONTRIBUTIONS FROM GOVERNMENT EMPLOYEES

During the delivery of Mr. SMATHERS' speech,

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Florida yield for the submission of a resolution?

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

Mr. DOUGLAS. Mr. President, I must object to having the Senator who now has the floor yield for the submission of a resolution, because that would constitute the transaction of business, and it might be interpreted as tacit acceptance of the two-thirds rule of the Senate.

Mr. CASE. Mr. President, will the Senator from Illinois withhold for a moment his objection?

Mr. DOUGLAS. Yes.

Mr. CASE. I wonder whether it may be possible at this time to obtain unanimous consent that the Senator from Florida may yield to the Senator from Delaware [Mr. WILLIAMS], for the submission of a resolution, with the understanding that the yielding for that purpose will not prejudice any rights, and with the further understanding that this right may continue in the way in which it existed at the beginning of the session.

Mr. DOUGLAS. I must say that earlier in the afternoon I objected to a request for unanimous consent that the Senator who was then addressing the Senate might yield in order to permit another Senator to introduce a bill; that request was made by the Senator from Iowa [Mr. MILLER]. I regretted to make that objection, but I wished to prevent the establishment of a precedent to the effect that we would thus be transacting business.

So, with apologies to the Senator from Delaware, I must say that I believe it

would be unfair, following my objection to the request of the Senator from Iowa, for me now to agree to the request of the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Florida yield, to enable me to explain why I wish to submit the resolution to which I have referred?

Mr. SMATHERS. Yes, I shall be happy to do so.

Mr. WILLIAMS of Delaware. And with the understanding that the Senator from Florida will not thereby lose the floor.

Mr. SMATHERS. Mr. President, I ask unanimous consent that I may yield to the Senator from Delaware, for the purpose he has requested, without losing my right to the floor.

Mr. CASE. Will the Senator from Florida add to his request the additional request that it be understood that his yielding for that purpose will not be considered as displacing the pending question?

Mr. SMATHERS. Mr. President, I amend my request accordingly, in order to conform with the suggestion and statement of the able Senator from New Jersey.

The PRESIDING OFFICER. Is there objection? The Chair hears none; and it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, in recent days we have seen numerous articles in the local press in regard to attempts in Washington, D.C., to solicit contributions from civil service employees to a $100-a-plate political dinner to be held in this city. I make no charges in regard to the accuracy of such reports, but if they are true they represent rather serious charges themselves. Articles have appeared in the Washington Star, the Washington Daily News, and this morning in the Washington Post. The seriousness of the charges in these articles cannot be ignored.

In fact, this morning the Washington Post published another article entitled " 'Budget Plan' Advised for $100 dinner." In the article it is pointed out that the Civil Service employees are being offered $100 tickets with the understanding that they could pay $10 down and $10 a month.

I am certain that the Senate will agree that neither political party has a right to "shake down" the civil service employees. I am a strong believer in the civil service system. Certainly it should be protected, but it cannot be protected if either party is allowed to "shake down" the civil service employees for contributions to a national committee. Since these charges have now been made in the press the Senate cannot sit back and do nothing about them.

In this connection I should like to quote from the article written by Jerry Kluttz which was published this morning in the Washington Post:

A highly respected Federal attorney who has handled many cases involving Government employees yesterday denounced the cocktail party gimmick as "wrong and unethical." He expressed the belief that a court would hold that an employee was subjected to "coercion" if he attends his agency's cocktail party and buys a $100 ticket against his better judgment.

"It's just like reaching into a fellow's pockets and taking $100," the legal expert commented acidly, and continued: "this practice should be stopped before the public service is badly damaged by it."

I agree fully that if this practice has been started it should be stopped, and it should be stopped now. Certainly it is morally wrong, and there is a strong suggestion that it is also legally wrong.

Mr. President, in that connection I ask unanimous consent to have printed in the RECORD, as part of my remarks, a memorandum which has been prepared by the legislative counsel, Mr. Dwight J. Pinion, in which he outlines the specific laws which prohibit the solicitation of contributions from civil service employees or other Government employees in public buildings. The memorandum outlines the many different laws which specifically relate to this subject and which protect the civil service employees. I also ask unanimous consent to have printed in the RECORD, as part of my remarks, certain newspaper articles which have been published in the Washington Daily News and the Washington Post. They criticize this practice of such solicitations from the Government civil service employees for the benefit of any political party.

Next I ask unanimous consent to have printed in the RECORD a copy of a resolution which calls for a Senate committee investigation of this practice, with the suggestion that if it is found to be going on the matter be referred to the Attorney General of the United States for proper enforcement of the laws.

The PRESIDING OFFICER. Is there objection?

There being no objection, the memorandum, articles, and resolution intended to be submitted by Mr. WILLIAMS of Delaware, were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE LEGISLATIVE COUNSEL.

MEMORANDUM FOR SENATOR WILLIAMS OF DELAWARE:

Pursuant to your request, there are set forth below the Federal laws pertaining to (1) prohibited solicitation as receipt of political contributions by Federal officers and employees and (2) prohibited political activities which could be involved in such solicitations.

TITLE 18 OF THE UNITED STATES CODE:

"§ 602. Solicitation of political contributions

"Whoever, being a Senator or Representative in, or Delegate or Resident Commissioner to, or a candidate for Congress, or individual elected as, Senator, Representative, Delegate, or Resident Commissioner, or an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, directly or indirectly solicits, receives, or is in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any other such officer, employee, or person, shall be fined not more than $5,000 or imprisoned not more than three years or both.

"§ 603. Place of solicitation

"Whoever, in any room or building occupied in the discharge of official duties by any person mentioned in section 602 of this title, or in any navy yard, fort, or arsenal, solicits or receives any contribution of money or other thing of value for any political purpose, shall be fined not more than $5,000 or imprisoned not more than three years, or both.

"§ 606. Intimidation to secure political contributions

"Whoever, being one of the officers or employees of the United States mentioned in section 602 of this title, discharges, or promotes, or degrades, or in any manner changes the official rank or compensation of any other officer or employee, or promises or threatens so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose, shall be fined not more than $5,000 or imprisoned not more than three years, or both.

"§ 607. Making political contributions

"Whoever, being an officer, clerk, or other person in the service of the United States or any department or agency thereof, directly or indirectly gives or hands over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of or Delegate to Congress, or Resident Commissioner, any money or other valuable thing on account of or to be applied to the promotion of any political object, shall be fined not more than $5,000 or imprisoned not more than three years, or both."

The act of August 2, 1939, as amended (the Hatch Act):

"SEC. 9. (a) It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. For the purposes of this section the term 'officer' or 'employee' shall not be construed to include (1) the President and Vice President of the United States; (2) persons whose compensation is paid from the appropriation for the office of the President; (3) heads and assistant heads of executive departments; (4) officers who are appointed by the President, by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws. The provisions of the second sentence of this subsection shall not apply to the employees of the Alaska Railroad, residing in municipalities on the line of the railroad, in respect to activities involving the municipality in which they reside.

"SEC. 15. The provisions of this Act which prohibit persons to whom such provisions apply from taking any active part in political management or in political campaigns shall be deemed to prohibit the same activities on the part of such persons as the United States Civil Service Commission has heretofore determined are at the time this section takes effect prohibited on the part of employees in the classified civil service of the United States by the provisions of the civil-service rules prohibiting such employees from taking any active part in political management or in political campaigns."

Civil Service Rule IV:

"SEC. 4.1. PROHIBITION AGAINST POLITICAL ACTIVITY.—Persons in the executive branch shall retain the right to vote as they choose and to express their opinions on all political subjects and candidates, but such persons shall not use their official authority or influence for the purpose of interfering with an

election or affecting the result thereof. Persons occupying positions in the competitive service shall not take any active part in political management or in political campaigns except as may be provided by or pursuant to statute."

Certain additional provisions of laws and regulations which may be of interest to you in connection with this matter are set forth in pamphlet 20 of the Civil Service Commission entitled "Political Activity of Federal Officers and Employees," a copy of which is attached. Your attention is especially called to the matter relating to Contributions which begins on page 12 of the pamphlet.

Respectfully,

DWIGHT J. PINION,
Senior Counsel.

JANUARY 14, 1963.

[From the Washington Daily News, Jan. 11, 1963]

PRESSURE CHARGED—CAREER EMPLOYEES HIT COCKTAIL PARTY PLANS

(By Jack Steele)

Thousands of Government career employees are being pressured to buy $100 tickets to a Democratic fundraising "gala"—with the chance of having "booze with your boss" held out as bait.

Several aroused civil service workers told the Washington Daily News and other Scripps-Howard newspapers today the Democratic National Committee was the source of their telephoned invitations to attend "cocktail parties" given by the heads or top officials of their departments or agencies.

They charged such indirect "pressure" and "coercion" violated the Hatch (clean politics) Act.

Democratic National Committee officials denied it.

PROBES URGED

But Republican Members of Congress demanded investigations by both Congress and the Civil Service Commission of what they charged was an effort by the Kennedy administration to evade the Hatch Act's restrictions on solicitation of political funds from Government employees.

Congressmen said they had received scores of complaints from irked Government workers.

The cocktail parties will precede the so-called Second Inaugural Anniversary Salute to President Kennedy at the District of Columbia National Guard Armory on January 18.

Only those who buy $100 tickets for this "Salute"—at which Judy Garland will head a star-studded cast of entertainers—will be invited to the cocktail parties. No food or drinks will be served at the armory affair.

SURVEY

A survey by Scripps-Howard newspapers revealed that virtually every civilian department and agency of the Government has scheduled such a cocktail party—at the request of the Democratic National Committee.

Some of the parties will be in hotel banquet rooms, others in the homes of agency heads or officials. Free buses will haul the contributors to the armory after they have satisfied their thirsts.

Among the parties scheduled is one to be held at District of Columbia Commissioner Walter N. Tobriner's home at 6100 33d Street NW. But Mr. Tobriner has denied that reported pressure is being put on employees. He disclosed he had simply agreed to give a cocktail party on the night of the "Salute."

One of the few agencies whose officials said they knew of no cocktail party plans is the Justice Department, headed by Attorney General Robert F. Kennedy, the President's brother.

[From the Washington Post, Jan. 12, 1963]

NO PROTESTS LISTED OVER DEMOCRATS' $100 DINNER, BUT—

(By Jerry Kluttz)

Not a single Federal employee up to now, has protested to the Civil Service Commission that he has been pressured to buy a $100 ticket to the January 18 Democratic dinner here. And Civil Service Commission is the proper place to lodge any such complaint.

But officials throughout Government, including some ardent New Frontiersmen, are concerned over several aspects of the high-pressure drive by Democratic Party wheels to sell tickets. They're fearful the campaign tactics will boomerang and hurt the President.

Agency officials have been called by the politicos and urged to supply them with the names and home addresses of their top-grade employees, career as well as political appointees. Some agency heads have flatly refused to cooperate; others, however, have complied.

Legal experts say it's a violation of the spirit, if not the letter of the law, to use Government facilities and premises to compile the lists for political purposes. That comes under the misuse of Federal property. It's entirely possible that several eager-beaver agency officials will be embarrassed by going overboard to please the politicos.

Promoters of the $100 affair have assured one and all that no pressure is exerted on Federal employees and that those who buy tickets do it voluntarily.

But their innocent disavowals don't stack up with their actions in calling agency heads to say, in effect, that only half a dozen of your employees have bought tickets * * * can't you people over there do better than that? We've reserved several tables for you and your party at the dinner. Don't disappoint us, and so forth.

That's about as voluntary as a blackjack. The calls to agency heads are an invitation to them to pressure their employees to part with $100 each. Also, the calls to homes of employees by Democratic workers who urge them to accept the dinner invitations and to buy tickets has elements of strong-arm tactics.

Incidentally, Representative BENNETT, Democrat, of Florida, yesterday introduced a resolution to set up a Commission on Ethics in the Federal service. Perhaps such an Agency, if created, could lay down sensible rules for political fundraising among Federal employees.

Benjamin Y. Martin, a retired VA attorney, has been appointed assistant to Vaux Owen, president, National Federal of Federal Employees. He has an excellent record of getting things done.

Fred O'Dwyer, president of the independent Postal Supervisors, has joined the union's full-time staff here. He'll be given a welcoming dinner tonight by supervisors at the city post office. Dan Jaspan and Don Ledbetter are other full-time staffers.

Jobs: FCC has openings for a grade 9 or 11 digital computer programer. Call Executive 3-3620, branch 587. Naval Research needs a grade 3 or 4 EAM operator, and a grade 3 mail clerk. Call Oxford 6-2347. Civil Defense has an opening for a grade 13 contract specialist. Call Oxford 5-9538. Coast and Geodetic needs a grade 2 aerial photographer trainee. Call Dudley 2-3676.

[From the Washington Post, Jan. 15, 1963]

BUDGET PLAN ADVISED FOR $100 DINNER

(By Jerry Kluttz)

Play politics now and pay later is a gimmick being used by the Democratic National Committee to sell $100 tickets to hard-pressed Federal employees to its Friday dinner here.

The budget payment plan is being suggested to employees who plead financial troubles and say they can't afford the $100 affair. The minimum is $10 down and $10 a month. No interest is charged on the unpaid balance.

But as a career employee remarked after being called by a Democratic worker who urged him to attend the dinner and pay for it later: "If I go, the price I pay later could be my job when the Republicans return to power. But if I don't go, it could cost me a grade promotion which is several hundred dollars a year in higher salary."

Meantime, if a fraction of what employees say is true, officials in a dozen or more agencies are violating the law, either directly or indirectly, by putting the pressure on employees to buy the $100 tickets on Government time and in Federal buildings. As far as could be determined, no Federal agency has even bothered to investigate the numerous stories of pressure on employees to buy tickets.

Mainly, the indirect approach is used in the belief by officials that it places them on safe legal ground. The arm-twisting gimmick is the cocktail party. A score of such parties are being tossed Friday evening preceding the dinner by top officials who invite their own employees who will attend the dinner.

Employees say flatly that they have been called at their Government offices, on Government time, and told either by phone or in person by superiors that "we're expecting you" (and sometimes "your wife too") at the Secretary's or Administrator's (as the case may be) cocktail party.

This is hardly a subtle approach. The parties are limited to those who buy the $100 tickets.

A highly respected Federal attorney who has handled many cases involving Government employees yesterday denounced the cocktail party gimmick as wrong and unethical. He expressed the belief that a court would hold that an employee was subjected to coercion if he attends his agency's cocktail party and buys a $100 ticket against his better judgment.

"It's just like reaching into a fellow's pockets and taking $100," the legal expert commented acidly, and continued: "This practice should be stopped before the public service is badly damaged by it."

There are also reports of meetings being held in Federal buildings on Government time to discuss ticket sales and what can be done to prevail upon more employees to buy them. Some officials have been told that the employees in their agency have bought only half a dozen tickets, while those in another bureau of comparable size have purchased 25 or more.

Meantime, a corporation representative here expressed the opinion that Federal workers were being subjected to an unusual amount of pressure this year to buy tickets because many companies can no longer do it and charge the expense off against Federal income taxes under the new expense account regulations.

He explained that his and many other companies had refused to buy the usual $1,200 table this year.

In the past, it was common practice for a company to buy one or more tables and give the tickets to friendly Members of Congress who would distribute them to friends and political supporters and take credit for the sales. Company representatives here say they have rejected numerous overtures from Capitol Hill to continue the practice because of the expense account rules.

Federal officials and employees alike say they realize that any political party must have money to finance operations but they wonder if tactics used by the Democratic

National Committee and the Kennedy administration are proper and the best that can be devised.

A Democratic official said yesterday that the party had taken precautions to operate within the law. He said phone directories were secured from a number of Federal agencies and that they were used to look up home addresses and to send invitations to the $100 dinner to employees at them.

He also said some followup phone calls were made to employees at their homes by committee workers to urge them to attend the dinner. He said he had no knowledge of pressure on employees by their agencies to buy tickets. "I hope every ticket is purchased voluntarily," he added.

Another person with a background of political fund raising expressed the view that more than half a dozen eager-beaver Federal officials who are trying to make a big name for themselves in the eyes of the Democratic National Committee are causing all the trouble.

PROPOSED RESOLUTION

Resolved, That the Committee on Rules and Administration, or any duly authorized subcommittee thereof, is authorized under section 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study and investigation of allegations of solicitations by officers in the executive branch of the Government of direct or indirect contributions to political parties from employees in the executive branch, particularly those employees in the higher grades and positions, including, but not limited to—

(1) allegations that employees in the executive branch of the Government have been influenced by their superiors to make contributions, through support of fund-raising activities, to political parties, and

(2) allegations that the names of employees in the executive branch of the Government have been furnished by officers in the executive branch to persons associated with political parties for the purpose of enabling such persons to solicit contributions, through support of fund-raising activities, to such political parties.

Such study and investigation shall be conducted for the particular purpose of determining whether any of the actions alleged, if such allegations are substantiated, constitute a violation of any of the criminal or civil laws of the United States, or of the regulations of any department, agency, or instrumentality thereof, and whether, if such actions do not constitute such a violation, they constitute a circumvention of the purpose and intent of such laws and regulations evidencing a need for the amendment thereof.

SEC. 2. For the purposes of this resolution, the committee, from the date on which this resolution is agreed to through January 31, 1964, is authorized to (1) make such expenditures as it deems advisable; (2) employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized at its discretion to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,600 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings upon the study and investigation authorized by this resolution, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1964.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $____, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. WILLIAMS of Delaware. Mr. President, I wish to repeat my request—and I ask the attention of the Senator from Illinois—that I be permitted to submit this resolution for appropriate reference to a committee. Senators were permitted to introduce bills and to submit resolutions yesterday. This resolution has nothing to do with the parliamentary situation in which we now find ourselves here in the Senate, but I should like to continue what Senators have been doing during the last 2 days; namely, submit the resolution, and have it referred to the appropriate committee. It is very important that these employees be given protection.

Mr. DOUGLAS. Mr. President, I must object—not because of the subject matter, but simply because submission of the resolution would constitute the transaction of business.

Mr. WILLIAMS of Delaware. I do not think it would constitute the transaction of business. But even if it would, business has already been transacted, because yesterday I introduced three bills and many other Senators introduced bills. That was done with the agreement that that would not jeopardize the rights of Senators nor affect the parliamentary situation.

This resolution is a very important measure. However, if the Senator from Illinois objects I shall withhold the resolution.

Mr. DOUGLAS. Mr. President, will the Senator from Delaware wait until tomorrow, so that we may make clear this parliamentary point?

Mr. HUMPHREY. I believe that would be proper, because earlier today objection was made when another Senator requested the Senator who then was speaking to yield, in order that a bill might be introduced.

Personally, I have no objection to the request which has been made; but since objection was made earlier today to similar requests, I am afraid that some protest might be made if there were to be unanimous consent to the request propounded by the Senator from Delaware.

Let me also point out that the Senator from Oregon had advised me that he wished to have objection made.

So we shall try to accommodate the Senator from Delaware the first thing tomorrow.

Mr. WILLIAMS of Delaware. I understand the situation in which the acting majority leader finds himself.

I asked that the resolution be printed in the RECORD as part of my remarks for the information of the Senate; and tomorrow I shall submit the resolution.

The PRESIDING OFFICER. Without objection, the resolution will be printed in the RECORD.

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield, so that I may make a brief rejoinder?

Mr. CASE. And with the same understanding?

Mr. HUMPHREY. Yes, with the same understanding that no rights be jeopardized and that the Senator's yielding for this purpose will not be prejudicial to the situation in regard to the rules.

Mr. SMATHERS. I yield.

Mr. HUMPHREY. Mr. President, I was very much interested in the references by the Senator from Delaware to the articles to which he has referred. I have read them.

It is a fact that if there has been direct solicitation of Federal employees, that is an infraction of the law. But it is equally clear that civil servants are people, and that they belong to churches and to clubs and to political parties; and nothing in the law prohibits a person from working for a political party.

There is a law which prevents a civil servant from being an active officeholder in a political party or from soliciting from employees who are under the civil service contributions to a political party, and, in particular, from soliciting such contributions on Federal property.

It is my understanding that enough people, both those in and those out of the civil service, have enough convictions about politics in this country to wish to make contributions to a political party. I am sure the Senator from Delaware is wise enough and worldly enough to know that what he is commenting on today is not exactly unique or unusual in American political life. For example, I recall an occasion when the Secretary of Defense came to the city in which I live and held a big political rally. The tickets were $100 a plate for some, and $1,000 a plate for others. A substantial number of persons were present; and, by a strange coincidence, a number of persons who had contracts with the Federal Government were present.

I suppose they automatically turned up.

I do not wish to impugn anyone's motives, but it was very interesting that the Secretary of Defense, whose Department received the largest share of the budget, would find it convenient to make a political speech. But we did not protest that. I understand that certain things occurred. I did not exactly like it. I have a feeling that when there were big rallies at the armory under the previous administration, all those who were present were not innocent bystanders. Few of them may have been working for the Federal Government. The price was $100 a plate. I think those who attended gave that amount because they wanted to do so. I did not rise to say that someone was being coerced, because coercion is against the law. If a Federal employee who comes from a Republican family and a Republican background and who believes in the Republican Party wishes to make a contribution to the Republican Party, I for one will defend his right to do so. Of course, there may be something wrong with his judgment. He may need counsel. He may even need certain types of psychiatric treatment. But I would

say that it would be only a mistake of judgment.

If a Federal employee wishes to make a contribution to the Democratic Party, and he is not being coerced or forced, but wishes to make it of his own free will, I think he is entitled to do so. Federal employees generally are paid better than some other people; and it seems to me that when a political party is seeking to raise money for a political campaign, it might be well to permit people who are fairly well off in income to make some contribution.

But what I think is more needed is for Congress to look at the whole subject of the financing of political campaigns, because each campaign becomes more expensive. Each campaign becomes a greater burden upon the individual candidate and upon his supporters; and as yet nothing has been done really to correct the Corrupt Practices Act so that we might deal with reality and provide a means to finance political campaigns that does not necessitate large contributions from people who can be the benefactors of a political victory or to necessitate contributions under the terms that the Senator from Delaware believes certain contributions are being obtained in the present instance.

I repeat that there is no evidence of coercion in the present instance in connection with the dinner that will be held in Washington in a few days. If there is, the person responsible will be properly dealt with under the law. I do not care how many newspaper articles are written. The presumption of guilt does not prove the offense. There used to be an old Anglo-Saxon custom that a man is innocent until he is proven guilty. Merely because a columnist may say that someone is being asked to contribute to a dinner does not prove an offense. It is entirely possible that a person might want to do it of his own free will.

Additionally, civil servants cannot be removed. They cannot be removed by some political official or political appointee of the administration. In fact, they are pretty hard to remove no matter what administration is in office. Civil service gives plenty of protection, and rightly so, under the merit system.

The Senator from Delaware is a man of great integrity and ability. I do not believe that merely because the charge is made in a column, or even by a distinguished Senator, that necessarily is the proof that is required.

If the Senator from Delaware or any other Senator has any information to prove that the Hatch Act is being violated, I suggest that he take the case to the district attorney and to the court.

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

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. Is it not true that while the Hatch Act prohibits political activity by a civil servant, it does not prohibit contributions to a political party or to candidates by that civil servant, nor does it prohibit political activity on the part of the members of the family?

Mr. HUMPHREY. The Senator is correct. What it does prohibit is coercion and open solicitation on Federal properties.

Mr. DOUGLAS. Are we not faced with the situation that it would be all right for the Du Pont Corp. to contribute $100,000 to senatorial candidates or political parties, but it would be wrong, so it is alleged, for a civil servant to contribute $100 to the Democratic Party?

Mr. HUMPHREY. We are faced with a situation in which allegations, or at least suspicions, have been voiced and have appeared in print. Because of allegations and suspicions there is a tendency to blow such suspicions up into reality. There may be people who are asked to contribute to the forthcoming dinner. If that be true, for every example that the Senator from Delaware can produce, I will produce one from the previous administration, with interest. I am not saying that one wrong is corrected by another. However, I am saying that before the charge of coercion or open solicitation is made, there ought to be proof. Since the charge would presume a Federal offense, the place to bring the proof would be in a court of law. There are plenty of lawyers in Washington who would handle such a case. I gather some of them would be glad to do so.

I am glad to yield to my good friend the Senator from Delaware, because I can plainly see that he wishes to make a contribution to our informative discussion.

Mr. WILLIAMS of Delaware. I thank the Senator. If the Senator had listened, he would know that I merely quoted the charge that was made in responsible Washington newspaper articles that civil service employees are being solicited. I said that the Congress has the responsibility to find out the truth. I recognize that a man is innocent until he has been proven guilty.

Mr. HUMPHREY. I knew that the Senator so believes.

Mr. WILLIAMS of Delaware. By the same token we should not be afraid of the truth. If the Senator from Minnesota knows of any instance in which the offense has occurred under the preceding administration I would join with him in bringing out the truth. I made clear that I do not care which political party is involved. Neither political party has any right to solicit political contributions from civil service employees; whether coercion is intended or not the inference is there. I know that such employees may not be discharged, but certainly in the back of their minds is the thought, "Will I get the earned promotion?" That fear would prevail under any administration.

I merely say that as Republicans and Democrats we should protect our civil service employees. Let the committee find out whether there is any truth to these charges. If there is no truth then let the stories which are appearing in the press be denied. My point is that we cannot let these charges go unanswered. As I said in my previous remarks, I shall defend the right of any employee to support the political party of his choice, both by his vote and his contribution, if it is on a voluntary basis.

I put into the RECORD various references to the law that were assembled by the legislative counsel, which clearly point out the right of a civil service employee to carry out his function as a citizen.

Mr. HUMPHREY. That is correct.

Mr. WILLIAMS of Delaware. Whether he be a Republican or a Democrat he has this right. I will support that principle. But at the same time, the solicitation of contributions or the assembly of names in his department, and the subsequent turning of the names over to a political committee, is wrong.

Let us find out the truth. If there is nothing being done wrong then these stories should be repudiated. If true it should be stopped and those responsible brought to account. I make no charge. At the same time I do not believe we can sit back and excuse ourselves of our responsibility to protect Federal employees when charges have been made by responsible columnists in responsible newspapers. I do not believe we can sit back and say, "I do not know of any particular instance so therefore it has nothing to do with me." I believe it is the responsibility of the Senator from Delaware and the Senator from Minnesota to get the facts. Surely he would be as quick to condemn such a procedure if it occurred in his party as it would if it were in mine. I am not saying that one party is better than another. It would be wrong no matter which party were involved. It does not make any difference which party is doing it. If it is being done it is wrong.

I believe that the Senator from Minnesota will agree with me that it is either a violation of the law or very close to it. But at least it is morally wrong if it is being done. I believe that we have a responsibility as Members of the Congress to see whether there is any truth to these stories and if true to put a stop to the practice and let both political parties know that the civil service employees are being protected. Certainly we protect their right to support and even contribute to the party of their choice. No one is suggesting otherwise.

Mr. HUMPHREY. Mr. President, I surely respect the Senator's concern over this matter. I wish to say, however, that there have been dinners in Washington for many years. There was a whole armory full of them under the Eisenhower administration, year after year. I did not hear anybody say, "I wonder who bought those tickets." And I did not hear anybody say, "Who is being solicited?"

That situation did not come about by accident. I have been in politics long enough to know that if one wants the boys and girls to come to dinner one has to ask somebody, particularly when a $100 ticket is involved.

Mr. President, I agree that everybody is entitled to have political participation. I wish to say to my good friend from Delaware that he ought to be content, because most of the civil servants apparently vote Republican. They have been doing so in all the neighboring counties around the city. Apparently they did so in the last election in Mont-

gomery County and in nearby counties of Virginia. There is a Representative in Congress from an area of northern Virginia where nearly every bedroom is filled with a civil servant every night.

The Republicans ought to be satisfied with their votes. If we can find a few willful, kindly, considerate, enlightened people who wish to make a contribution to the Democratic Party, I do not know why the Senator from Delaware would want both their votes and their money. We would like to have them come to hear the message of truth. The only way they can hear that message is to come to that magnificent dinner.

I am going to extend an invitation to, and I might even buy a ticket for, the Senator from Delaware, so that he may come to hear the message on the night of the Jackson-Jefferson Day dinner, when the President of the United States not only will lay before the country the evils and wrongdoings of the Republican Party, but also will tell of the greatness and goodness of the Democratic Party.

I believe that after such a speech the Senator from Delaware would be the first to come back to the Senate to say, "We should have had more civil servants there, so that they could have received that great message of inspiration."

By the way, if the Senator wishes to go to the dinner, I will try my best to cooperate with him.

Mr. WILLIAMS of Delaware. I thank the Senator for his invitation.

Mr. HUMPHREY. We will be glad to arrange for the Senator to go.

Mr. WILLIAMS of Delaware. I shall be glad to have the Senator pay for my dinner at any time.

Mr. HUMPHREY. I cannot solicit on Federal property, so this is merely a suggestion. I would not wish to have either the Senator from Delaware or the Senator from Minnesota get into a legal bind over this problem. It was merely a friendly suggestion.

I say to the Senator, in all sincerity, that if the Senator can find Federal employees who feel that they have been coerced—and that is the point—those Federal employees can take the case before the Civil Service Commission. If there is any one thing that any Member of Congress knows, it is that civil service rights are jealously guarded, and rightly so. Civil servants are entitled to the full protection of the law. But civil servants are citizens, and civil servants ought to be citizens. If they wish to make contributions to the Republican Party, I am not going to encourage them or solicit that, but surely it is their right. If they wish to make a contribution to the Democratic Party, the least I can do is say, "Thank you."

Mr. WILLIAMS of Delaware. Mr. President, certainly there is no harm in finding out the truth. I merely wish to submit a resolution to provide for a study by a committee which is controlled by the political party of the senior Senator from Minnesota. Certainly he would have confidence in that committee's ability to find out the truth. If the Senator knows some reason why the truth would be embarrassing—and I do not think that would stop him—then let us find out what is being or has been done.

I understand that objection will be made to the resolution being submitted at this time.

Mr. HUMPHREY. Only because of the situation.

Mr. WILLIAMS of Delaware. I understand.

Mr. HUMPHREY. Yes.

Mr. Williams of Delaware. I made that very clear. It is due to the parliamentary situation. I will withhold submitting the resolution until tomorrow, but it will be submitted tomorrow. I hope that the Senator from Minnesota will join me in supporting that resolution. Let us find out whether there is any truth to this report or not.

It represents an indictment, and it can be an indictment against both of our political parties. It will be an indictment against the Congress, if we merely sit back and say, "The other fellow is as bad as we are, so why find out the truth." Certainly we should not be afraid to find out the truth regardless of who may be involved.

So far as concerns dinners which have been held by our party, the Republican Party, either before or after this time, if the Senator from Minnesota knows of any instances in which the law has been violated, I will join with him in seeking prosecution.

Mr. HUMPHREY. I am not a suspicious man.

Mr. WILLIAMS of Delaware. The Senator indicated that he could produce such evidence. If he can, he has a responsibility to produce it.

We fully recognize that any person is innocent until convicted. But let us not be afraid to find out whether there is an element of truth to the stories which have been played up so prominently in all three leading newspapers in the city of Washington in the past few days. It has been specifically pointed out on the front pages as well as editorially that something should be done to determine if this practice is going on as is being reported, and if so that it be stopped. Let us never be afraid of the truth.

Mr. HUMPHREY. There is no one who is afraid to hear the truth. We will examine for the truth under all circumstances.

I express the hope, now that the Senator has expressed such grave concern over the finances of civil servants, that he will express an equal concern and righteous indignation over the failure of some people to have the right to vote in this country and the few other liberties and privileges which ought to belong to them.

It is an amazing thing to me to note, in the Senate, that in regard to some matter such as this, which is related to an item of some importance, we can show great concern and make rather extravagant outbursts, or at least have extravagant or prolonged discussion, but when it comes to consideration of a matter which we know affects millions of people; namely, that their precious right of the franchise may be inhibited or denied—we do not observe the same righteous indignation.

I shall look forward to having the Senator from Delaware help us to modify the present cloture rule, so that we can get to the protection of voting rights in the Congress of the United States. If we can modify the cloture rule so that a constitutional majority can bring debate to a close, or so that three-fifths of those Senators present and voting can bring debate to a close, we shall do more to protect the political processes in America, and the efficacy and purity of them, than we will by looking at newspaper clippings on the basis that somebody says that perhaps somebody is being asked to contribute to a dinner, and that we should start an investigation.

I am perfectly willing to express indignation over both. If there has been a violation of law, that is a violation of law, and it should be looked into in terms of prosecution.

The basic law of this country and the basic right is the right of the franchise. One of the things which the present administration intends to do is to strengthen the voting rights of every American citizen. One of the ways we can do that is to modify the cloture rule in the Senate.

I know that the Senator from Delaware is going to make an impassioned plea to join us in the modification of the cloture rule. I welcome him to the fold of those in favor of majority cloture. If he feels that that is going too fast or too far, I shall gladly take him into the more moderate position of having three-fifths of those Senators present and voting bring debate to a close.

The Senator from Delaware will feel much better when he has not only seen to it that the civil servants are not asked to contribute to political parties, but also that those who are not civil servants, as well as those who are civil servants, are permitted to exercise the right to vote regardless of race, color, national origin, or geography.

It seems to me that those are extremely important rights, and I welcome my friend into the battle in behalf of the protection of those rights.

Mr. WILLIAMS of Delaware. Mr. President, we are getting somewhat away from the subject, but I wish to say to the Senator from Minnesota that I have always supported any measure which would guarantee to any American citizen, without respect to race or religion, the right to vote. I have also supported any measure or any action which I thought would be appropriate to make sure that the ballot, once cast, would be properly counted.

CONVENTION WITH GRAND DUCHY OF LUXEMBOURG FOR AVOIDANCE OF DOUBLE TAXATION OF INCOME—REMOVAL OF INJUNCTION OF SECRECY

Mr. HUMPHREY. Mr. President, as in executive session, I ask unanimous consent that the Senate remove the injunction of secrecy from Executive A, 88th Congress, 1st session, being the convention between the United States of

America and the Grand Duchy of Luxembourg for the avoidance of double taxation of income, the prevention of fiscal evasion, and the promotion of trade and investment, signed at Washington on December 18, 1962, which was transmitted to the Senate today by the President of the United States.

The PRESIDING OFFICER. Without objection, the injunction of secrecy is removed from the convention, and the convention, together with the President's message of transmittal, will be referred to the Committee on Foreign Relations, and the President's message will be printed in the RECORD.

The President's message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the convention between the United States of America and the Grand Duchy of Luxembourg for the avoidance of double taxation of income, the prevention of fiscal evasion, and the promotion of trade and investment, signed at Washington on December 18, 1962.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention.

The convention has the approval of the Department of State and the Treasury Department.

JOHN F. KENNEDY.

(Enclosures: (1) Report of the Secretary of State; (2) income tax convention with Luxembourg, signed December 18, 1962.)

THE WHITE HOUSE, *January 15, 1963.*

RECESS

Mr. PROXMIRE. Mr. President, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 48 minutes p.m.) the Senate took a recess until tomorrow, Wednesday, January 16, 1963, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 15, 1963:

FEDERAL COMMUNICATIONS COMMISSION

Kenneth A. Cox, of Maryland, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1956, vice T. A. M. Craven, retiring.

Kenneth A. Cox, of Maryland, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1963.

GOVERNOR OF GUAM

Manuel F. L. Guerrero, of Guam, to be Governor of Guam for a term of 4 years, vice William P. Daniel.

NATIONAL LABOR RELATIONS BOARD

John Harold Fanning, of Rhode Island, to be a member of the National Labor Relations Board for the term of 5 years expiring December 16, 1967, to which office he was appointed during the last recess of the Senate.

COMMISSIONER OF EDUCATION

Dr. Francis Keppel, of Massachusetts, to be Commissioner of Education, to which office he was appointed during the last recess of the Senate.

U.S. TARIFF COMMISSION

James W. Culliton, of Indiana, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1968, to which office he was appointed during the last recess of the Senate.

TREASURY DEPARTMENT

The following-named persons to the offices indicated, to which they were appointed during the last recess of the Senate:

Gaspard d'Andelot Belin, of Massachusetts, to be General Counsel for the Department of the Treasury.

John C. Bullitt, of New Jersey, to be an Assistant Secretary of the Treasury.

COLLECTORS OF CUSTOMS

John G. Green, of Wisconsin, to be collector of customs for customs collection district No. 36, with headquarters at Duluth, Minn.-Superior, Wis.

Frank A. Sedita, of New York, to be collector of customs for customs collection district No. 9, with headquarters at Buffalo, N.Y.

John M. Lynch, of Massachusetts, to be collector of customs for customs collection district No. 4, with headquarters at Boston, Mass.

U.S. ATTORNEY

Richard D. Fitzgibbon, Jr., of Missouri, to be U.S. attorney for the eastern district of Missouri for the term of 4 years. He was appointed during the recess of the Senate.

U.S. MARSHALS

The following-named persons for terms of 4 years in the positions indicated:

Frank Udoff, of Maryland, to be U.S. marshal for the district of Maryland.

Ray H. Hemenway, of Minnesota, to be U.S. marshal for the district of Minnesota.

They were appointed during the recess of the Senate.

U.S. ATTORNEY

Robert M. Morgenthau, of New York, to be U.S. attorney for the southern district of New York for the term of 4 years. He was appointed during the recess of the Senate.

THE JUDICIARY

The following-named persons to the positions indicated. They were appointed during the recess of the Senate:

J. Lindsay Almond, Jr., of Virginia, to be associate judge of the Court of Customs and Patent Appeals.

Bernard M. Decker, of Illinois, to be U.S. district judge for the northern district of Illinois.

William J. Nealon, Jr., of Pennsylvania, to be U.S. district judge for the middle district of Pennsylvania.

BOARD OF PAROLE

James A. Carr, Jr., of Massachusetts, to be a member of the Board of Parole for the term expiring September 30, 1968, vice Edward J. Donovan, term expired.

DEPARTMENT OF JUSTICE

John W. Douglas, of Maryland, to be an Assistant Attorney General, vice William H. Orrick, Jr., resigned.

U.S. CIRCUIT JUDGE

Carl E. McGowan, of Illinois, to be U.S. circuit judge for the District of Columbia circuit, vice Henry W. Edgerton, retiring.

PEACE CORPS

Bill D. Moyers, of Texas, to be Deputy Director of the Peace Corps, vice Paul F. Geren, resigned.

FOREIGN SERVICE

Christian A. Herter, of Massachusetts, to be Special Representative for Trade Negotiations, with the rank of Ambassador Extraordinary and Plenipotentiary, to which office he was appointed during the last recess of the Senate.

The following-named persons, who were appointed during the last recess of the Senate, to the offices indicated:

William C. Doherty, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

Donald A. Dumont, of New York, a Foreign Service officer of class 2, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Kingdom of Burundi.

C. Vaughan Ferguson, Jr., of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Malagasy Republic.

Outerbridge Horsey, of the District of Columbia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czechoslovak Socialist Republic.

J. Wesley Jones, of Iowa, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Peru.

William J. Porter, of Massachusetts, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic and Popular Republic of Algeria.

William R. Rivkin, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

Horace G. Torbert, Jr., of Massachusetts, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Somali Republic.

Olcott H. Deming, of Connecticut, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uganda, to which office he was appointed during the last recess of the Senate.

AGENCY FOR INTERNATIONAL DEVELOPMENT

David Elliott Bell, of Massachusetts, to be Administrator of the Agency for International Development, to which office he was appointed during the last recess of the Senate.

INTERNATIONAL MONETARY FUND

William B. Dale, of Maryland, to be U.S. Executive Director of the International Monetary Fund for a term of 2 years, to which office he was appointed during the last recess of the Senate.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

John C. Bullitt, of New Jersey, to be U.S. Executive Director of the International Bank for Reconstruction and Development for a term of 2 years, to which office he was appointed during the last recess of the Senate.

DIPLOMATIC AND FOREIGN SERVICE

The following-named persons, who were appointed during the last recess of the Senate, to the offices indicated:

Now Foreign Service officers of class 2 and secretaries in the diplomatic service to be also consuls general of the United States of America:

Edward Glion Curtis, of the District of Columbia.

Leo M. Goodman, of New York.

Joseph O. Zurhellen, Jr., of New York.

For reappointment in the Foreign Service as a Foreign Service officer of class 3, a consul, and a secretary in the diplomatic service of the United States of America, in accordance with the provisions of section 520(a) of the Foreign Service Act of 1946, as amended:

Miss Mary Vance Trent, of the District of Columbia.

For appointment as a Foreign Service officer of class 4, a consul, and a secretary in the diplomatic service of the United States of America:

Paul M. Bergman, of New Jersey.

For appointment as Foreign Service officers of class 7, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Fredrick C. Ashley, of Ohio.
Robert P. Coe, of Massachusetts.
Leroy E. Debold, Jr., of New York.
Wilfred F. Declercq, of Missouri.
M. Bruce Hirshorn, of Pennsylvania.
John E. Kelley, of Hawaii.
Robert B. Morley, of New Jersey.
James Roger Newcomer, of Oregon.
James D. Phillips, of Kansas.
Edward F. Richards, Jr., of Alabama.
Martin Rosenberg, of New York.
Robert William Smith, of California.
Charles F. Swezey, of New York.
Andrew Tangalos, of New Jersey.
Stephen B. Watkins, of Connecticut.
William A. Weingarten, of New York.

For appointment as Foreign Service officers of class 8, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Laurence Desaix Anderson, Jr., of Mississippi.
Michael G. Beckett, of California.
John Steven Boritas, of Pennsylvania.
Duane C. Butcher, of Oklahoma.
John Dodson Coffman, of Pennsylvania
Miss Ellen Rose Delate, of New Jersey.
Edward Knapp Dey, of New York.
Edward P. Djerejian, of New York.
Townsend B. Friedman, Jr., of Illinois.
Harrell Kennan Fuller, of New Mexico.
Harry J. Gilmore, of Pennsylvania.
Lewis Girdler, of Connecticut.
Miss Sandra Lee Granzow, of Illinois.
Richard M. Greene, Jr., of California.
John E. Hall, of New York.
Godfrey Harris, of California.
William Edwin Humphrey, of Oklahoma.
Miss Linda C. Irick, of Arizona.
David Bruce Jackson, of California.
Lauren Wells Jackson, of New Jersey.
Gordon G. Kaplan, of Illinois.
Bruce Kinsey, of Illinois.
Arthur Ronald Klampert, of New York.
Robert Allan Kohn, of New York.
Edward Kreuser, of New York.
Joseph Edward Lake, of Texas.
Lewis R. Macfarlane, of Washington.
Dwight N. Mason, of New Jersey.
Miss Lois Jean Matteson, of Virginia.
Charles W. Maynes, Jr., of Utah.
Donald Floyd McConville, of Minnesota.
Miss Kathleen McDonough, of New York.
B. Kent Mulliner, of Utah.
Thomas A. Musante, of Connecticut.
Arnold Nachmanoff, of New York.
Joseph T. O'Brien, of the District of Columbia.
Ralph Oman, of New York.
Allan W. Otto, of Illinois.
Philip E. Penninger, of North Carolina.
Arthur N. Plaxton, of Michigan.
James F. Ragan, Jr., of California.
Thomas Payne Rohlen, of Illinois.
Joseph L. Romanelli, of New York.
Leonard G. Shurtleff, of Massachusetts.
Alexander K. Sleght, of Connecticut.
Keith C. Smith, of California.
Donald R. Stacy, of Mississippi.
Gordon L. Streeb, of Colorado.
Miss Joan F. Thielbar, of New Jersey.
Bert H. Thurber, of Virginia.

A Foreign Service Reserve officer to be a consul and a secretary in the diplomatic service of the United States of America:

Irl W. Smith, of Illinois.

Foreign Service Reserve officers to be consuls of the United States of America:

James D. Bartlett, of Pennsylvania.
Edmund F. Becker, of Virginia.
Karl F. Brauckmann, of Maryland.
James J. Brophy, of Pennsylvania.
James P. Burke, of South Dakota.
Herbert T. Cheltenham, of Maryland.
Dean O. Claussen, of Washington.
Gilbert Cruter, of Colorado.
Peer de Silva, of California.
Alan H. Dodds, of California.
Elmer S. Dorsay, of California.
Maynard H. Fourt, of Illinois.
William C. Kirk, Jr., of Florida.
Francis J. McArdle, of Georgia.
Mrs. Aileen S. Miles, of Massachusetts.
William J. Miller, of Virginia.
William J. Murray, Jr., of Washington.
Mrs. Susan F. Parrish, of Maryland.
Edward J. Rankin, of New Jersey.
Phifer Paul Rothman, of Florida.
Frederick W. Shaffer, of Pennsylvania.
Joseph P. Sherman, of Michigan.
Sam B. Southwell, of Texas.
Mrs. Corinne W. Spencer, of Texas.
Sterlyn B. Steele, of California.

Foreign Service Reserve officers to be vice consuls of the United States of America:

Paul A. Arsenault, of Maryland.
Philip Cherry, of Pennsylvania.
Roger W. Cogswell, of Massachusetts.
James L. Culpepper, of Oregon.
Louis V. Ebert III, of Wisconsin.
Jerome W. Greiner, of Michigan.
Anton N. Kasanof, of Florida.
Jack F. Mathews, of Montana.
Richard F. Simpson, of Maryland.
Dan S. Wages, of California.
William H. Walker, Jr., of Virginia.
Donald L. Whittaker, of New Jersey.
Alfred W. Willier, of California.
Robert E. Willis, of Missouri.

Foreign Service Reserve officers to be secretaries in the diplomatic service of the United States of America:

Earl R. Allison, of Nebraska.
Alessandro Cagiati, of Massachusetts.
Terrence E. Catherman, of California.
William N. Center, of Maryland.
Benjamin H. Cushing, of Maine.
Richard G. Cushing, of California.
Charles J. Cusick, of Maryland.
Daniel Goott, of Maryland.
J. Edward Gramlich, of New York.
Richard W. Hale, of Florida.
Lowell V. Hammer, of California.
Robert Wingate Herder, of Maryland.
John G. Heyn, of Connecticut.
C. Oliver Iselin III, of Virginia.
Frank W. Jones, Jr., of Connecticut.
Kenneth A. Kerst, of Virginia.
Daniel L. McCarthy, of Wisconsin.
Robert W. Magee, of Illinois.
John M. Maury, of Virginia.
John P. Murnane, of New Jersey.
Hubert J. Plumpe, of Michigan.
Thomas Polgar, of Virginia.
Jacques A. Prindiville, of Massachusetts.
Arthur F. Rall, of New York.
Thomas E. Robertson, of Ohio.
John J. Slocum, of Rhode Island.
Michael F. Stern, of Montana.
Henry Strong, of the District of Columbia.
Angus M. Thuermer, of Virginia.
Robert L. West, of Connecticut.
Arnold L. Zempel, of Virginia.

Foreign Service staff officers to be consuls of the United States of America:

Archie Davies, of Florida.
John A. Tarin, of Texas.
Miss Catherina Van Lier Ribbink, of California.

The Foreign Service officers named in the following lists for promotion in the Foreign Service to the classes indicated, effective March 1, 1963:

The following-named Foreign Service officers for promotion from class 2 to class 1:

G. Edward Clark, of New York.
Henry Dearborn, of New Hampshire.
Joseph J. Jova, of New York.
William Witman II, of Pennsylvania.

The following-named Foreign Service officers for promotion from class 2 to class 1 and to be also consuls general of the United States of America:

Robert W. Adams, of Texas.
Basil Capella, of Maryland.
Thomas T. Carter, of Connecticut.
James N. Cortada, of Virginia.
Edwin M. Cronk, of California.
Edward W. Doherty, of Illinois.
Seymour M. Finger, of New York.
J. Robert Fluker, of Kansas.
John E. Fobes, of Virginia.
John W. Henderson, of the District of Columbia.
Jack A. Herfurt, of California.
Alfred leS. Jenkins, of Georgia.
Henry L. T. Koren, of New Jersey.
Jack W. Lydman, of New York.
Daniel F. Margolies, of Maryland.
Charles K. Moffly, of Michigan.
Charles Robert Moore, of Washington.
David L. Osborn, of Tennessee.
Philip Raine, of the District of Columbia.
Claude G. Ross, of California.
Edward J. Rowell, of California.
Albert W. Sherer, Jr., of Illinois.
Ernest V. Siracusa, of California.
Walter J. Stoessel, Jr., of Maryland.
Irwin M. Tobin, of Maryland.
Howard Trivers, of Maryland.
William C. Trueheart, of Florida.
Leonard Weiss, of Illinois.

The following-named Foreign Service officers for promotion from class 3 to class 2:

Rodger C. Abraham, of Connecticut.
Manuel Abrams, of Florida.
J. Wesley Adams, Jr., of Illinois.
Hugh G. Appling, of California.
John A. Armitage, of Tennessee.
Oscar V. Armstrong, of the District of Columbia.
Laurin B. Askew, of Tennessee.
Harry H. Bell, of Maryland.
Josiah W. Bennett, of Maryland.
James J. Blake, of the District of Columbia.
Davis Eugene Boster, of Ohio.
John W. Bowling, of Texas.
Robert A. Brand, of Connecticut.
Robert C. Brewster, of Nebraska.
Miss Elizabeth Ann Brown, of Oregon.
William B. Buffum, of New York.
Joseph Carwell, of New York.
Stanley M. Cleveland, of New York.
Wendell B. Coote, of Virginia.
Richard T. Davies, of Wyoming.
Alexander J. Davit, of Pennsylvania.
Robert W. Dean, of Illinois.
Robert Donhauser, of Maryland.
James B. Engle, of the District of Columbia.
Richard T. Ewing, of Maryland.
Thomas R. Favell, of Wisconsin.
John W. Fisher, of Montana.
Miss Edelen Fogarty, of California.
C. Arnold Freshman, of Florida.
William J. Galloway, of Texas.
Robbins P. Gilman, of Virginia.
Harold E. Hall, of Utah.
Robert H. Harlan, of Illinois.
Grant G. Hilliker, of Virginia.
Dean R. Hinton, of Illinois.
Lewis Hoffacker, of Arizona.
Harold E. Howland, of Virginia.
Robert A. Hurwitch, of Illinois.
Coulter D. Huyler, Jr., of Connecticut.
Miss Dorothy M. Jester, of California.
William M. Johnson, Jr., of Florida.
Harold G. Josif, of Ohio.
Michael G. Kelakos, of Massachusetts.
Robert H. Kranich, of Virginia.
Edward T. Long, of Illinois.
James F. Magdanz, of Virginia.
Melvin L. Manfull, of Utah.
James V. Martin, Jr., of Illinois.
John W. McDonald, Jr., of Illinois.
Ralph J. McGuire, of Texas.
Thomas D. McKiernan, of Massachusetts.
John Y. Millar, of New York.
Bruce H. Millen, of Louisiana.

George F. Muller, of Maryland.
Robert I. Owen, of Maryland.
Herbert F. Propps, of Illinois.
Ellwood M. Rabenold, Jr., of Illinois.
Ernest E. Ramsaur, Jr., of California.
Thomas M. Recknagel, of Maryland.
Herbert Reiner, Jr., of Connecticut.
Ralph J. Ribble, of Texas.
Joseph M. Roland, of Pennsylvania.
Peter Rutter, of Massachusetts.
Fred H. Sanderson, of Virginia.
Richard L. Sneider, of New York.
Charles G. Stefan, of California.
Robert A. Stevenson, of New York.
Galen L. Stone, of the District of Columbia.
William H. Sullivan, of Rhode Island.
Harrison M. Symmes, of North Carolina.
Barney B. Taylor, of Michigan.
Frank D. Taylor, of Maryland.
Christopher Van Hollen, of the District of Columbia.
George S. Vest, of Virginia.
John Patrick Walsh, of Illinois.
Mrs. Virginia C. Westfall, of Virginia.
Louis A. Wiesner, of New Hampshire.
Miss Jean M. Wilkowski, of Florida.
Donald L. Woolf, of California.

The following-named Foreign Service officers for promotion from class 4 to class 3:

Theo C. Adams, of Texas.
Thomas W. Ainsworth, of New Hampshire.
Harold Aisley, of California.
Nicholas G. Andrews, of New Jersey.
John A. Baker, Jr., of Connecticut.
Harris H. Ball, of California.
Robert J. Ballantyne, of Maryland.
William J. Barnsdale, of California.
Alf E. Bergesen, of New York.
John Q. Blodgett, of Maryland.
James E. Bowers, of North Carolina.
Edward T. Brennan, of Massachusetts.
William D. Broderick, of Michigan.
Robert R. Brungart, of Maryland.
Miss Patricia M. Byrne, of Ohio.
William D. Calderhead, of Texas.
Robert W. Caldwell, of the District of Columbia.
Charles C. Carson, of the District of Columbia.
Thomas A. Cassilly, of the District of Columbia.
Frederic L. Chapin, of New Jersey.
Peter R. Chase, of the District of Columbia.
Albert C. Cizauskas, of Connecticut.
Carleton S. Coon, Jr., of Maine.
William F. Courtney, of Michigan.
Franklin J. Crawford, of Ohio.
William R. Crawford, Jr., of Pennsylvania.
William E. Culbert, of New Jersey.
John E. Cunningham, of Pennsylvania.
Joseph H. Cunningham, of Nebraska.
Robert D. Davis, of Oklahoma.
David Dean, of Florida.
Morris Dembo, of Virginia.
Richard H. Donald, of Connecticut.
Michael J. Dux, of Florida.
Donald B. Easum, of Virginia.
Theodore L. Eliot, Jr., of California.
Elden B. Erickson, of Kansas.
Charles W. Falkner, of Oregon.
Louis C. Feffer, of the District of Columbia.
Harry Feinstein, of Georgia.
James J. Ferretti, of Connecticut.
Douglas N. Forman, Jr., of Ohio.
Samuel R. Gammon III, of Texas.
William H. Gleysteen, Jr., of Pennsylvania.
Gerald Goldstein, of New York.
Norman H. Grady, of Maryland.
Lindsey Grant, of Virginia.
Arthur A. Hartman, of New Jersey.
Richard V. Hennes, of Illinois.
John H. Hermanson, of California.
Jerome K. Holloway, Jr., of Maryland.
Robert B. Houston, Jr., of Pennsylvania.
Borrie I. Hyman, of California.
Heyward Isham, of New York.
Murray E. Jackson, of Illinois.
Abraham Katz, of New York.
Joseph B. Kyle, of Virginia.
J. Alfred LaFrenière, of Massachusetts.
Verne L. Larson, of Washington.
Mason A. La Selle, of Colorado.
Raymond W. Laugel, of Ohio.
William W. Lehfeldt, of California.
Miss Leocade Leighton, of Massachusetts.
Samuel W. Lewis, of Texas.
Arthur C. Lillig, of Oregon.
Philip W. Manhard, of Florida.
Robert J. Martens, of Maryland.
Eugene C. Martinson, of Michigan.
Allan F. McLean, Jr., of Texas.
Francis J. Meehan, of the District of Columbia.
Sanford Menter, of Texas.
Jack C. Miklos, of Idaho.
Robert H. Miller, of Washington.
Virgil L. Moore, of Virginia.
Sam Moskowitz, of Illinois.
Grant E. Mouser III, of Oregon.
Michael H. Newlin, of North Carolina.
Douglas B. O'Connell, of New York.
Frank V. Ortiz, Jr., of New Mexico.
Richard W. Petree, of Colorado.
Laurence G. Pickering, of Nebraska.
Lloyd M. Rives, of New Jersey.
Robert W. Ross, of California.
Kenneth J. Ruch, of Pennsylvania.
James R. Ruchti, of Wisconsin.
H. Earle Russell, Jr., of Maryland.
Stanley D. Schiff, of New Jersey.
Albert L. Seligmann, of Virginia.
Thomas P. Shoesmith, of Pennsylvania.
Matthew D. Smith, Jr., of Maryland.
Norman L. Smith, of Illinois.
J. Harlan Southerland, of the District of Columbia.
William F. Spengler, of Virginia.
Heywood H. Stackhouse, of Florida.
Monteagle Stearns, of the District of Columbia.
William A. Stoltzfus, Jr., of New Jersey.
Robert W. Stookey, of Illinois.
Richard Straus, of Maryland.
Jack A. Sulser, of Illinois.
David R. Thompson, of California.
Arthur T. Tienken, of Virginia.
William D. Toomey, of North Dakota.
Vladimir I. Toumanoff, of New Hampshire.
Edward J. Trost, of Michigan.
William N. Turpin, of Georgia.
Richard D. Vine, of California.
Robert H. Wenzel, of Florida.
Guy A. Wiggins, of the District of Columbia.
Frank S. Wile, of Maryland.
Orme Wilson, Jr., of the District of Columbia.

The following-named Foreign Service officers for promotion from class 5 to class 4:

William G. Allen, of the District of Columbia.
Dwight R. Ambach, of Rhode Island.
James F. Amory, of Virginia.
John W. Anderson, of Texas.
Miss Leona M. Anderson, of Iowa.
George R. Andrews, of Tennessee.
Richard B. Andrews, of Illinois.
Robert S. Ashford, of Florida.
James H. Bahti, of Michigan.
John R. Bartelt, Jr., of Louisiana.
S. Morey Bell, of Virginia.
John R. Bietz, of North Dakota.
Robert A. Bishton, of Maryland.
William W. Blackerby, of Texas.
Miss Evelyn Blue, of New York.
Martin S. Bowe, Jr., of New Hampshire.
A. Dane Bowen, Jr., of Texas.
Marshall Brement, of the District of Columbia.
Roger C. Brewin, of Ohio.
Gori P. Bruno, of New York.
Robert T. Burke, of New York.
Michael Calingaert, of New York.
John P. Call, of California.
Harvey J. Cash, of Arizona.
Gordon Chase, of New Jersey.
Robert W. Chase, of Maine.
Ward Lee Christensen, of the District of Columbia.
Herman J. Cohen, of New York.
Michael M. Conlin, of California.
Miss Emily C. Cox, of South Carolina.
Miss Maurine Crane, of Virginia.
Thomas W. Davis, Jr., of California.
Rudolph Days, of Maryland.
John L. De Ornellas, of Alabama.
Victor H. Dikeos, of California.
C. Edward Dillery, of Washington.
Stephen A. Dobrenchuk, of Maryland.
Morris Draper, of California.
William J. Drew, of Massachusetts.
John Dubois, of Massachusetts.
Harland H. Eastman, of Maine.
Raymond W. Eiselt, of California.
Miss Jean L. Farr, of Massachusetts.
James D. Farrell, of Kansas.
Richard W. Finch, of Ohio.
Theodore T. Franzen, of New Jersey.
C. Jefferson Frederick, of Washington.
Gerald A. Friedman, of Florida.
Robert L. Funseth, of New York.
Charles M. Gage, of Illinois.
Mark J. Garrison, of Indiana.
Miss Ellen Gavrisheff, of Texas.
Dirk Gleysteen, of Pennsylvania.
John D. Gough, of Washington.
Roderick N. Grant, of California.
Charles W. Grover, of New York.
John J. Harter, of California.
George A. Hays, of Pennsylvania.
Donald E. Herdeck, of Washington.
Roy R. Hermesman, of Pennsylvania.
Deion L. Hixon, of Alabama.
Edward C. Howatt, of Virginia.
Paul J. Hoylen, of Florida.
Adolph W. Jones, of Tennessee.
Andrew John Kauffman II, of Maine.
Robert V. Keeley, of Florida.
William Kelley, of Florida.
Earl A. Kessler II, of Ohio.
Thomas F. Killoran, of Massachusetts.
Roger Kirk, of Michigan.
William E. Knepper, of Kansas.
Henry A. Lagasse, of New Hampshire.
Albert A. Lakeland, Jr., of New York.
Loren E. Lawrence, of Kansas.
Samuel S. H. Lee, of Hawaii.
Charles A. Lemmo, of Pennsylvania.
Louis J. Link, of Maryland.
Robert Gerald Livingston, of Connecticut.
James W. Mahoney, of Indiana.
Timothy M. Manley, of Connecticut.
Henry J. Manning, of Colorado.
Francis P. McCormick, of Massachusetts.
Stuart H. McIntyre, of Washington.
Miss Ruth A. McLendon, of Texas.
Miss Clorene A. Miller, of Texas.
Robert Marden Miller, of California.
William A. Mitchell, of Maine.
William J. Monticone, of Rhode Island.
James C. Nelson, of Illinois.
Joseph B. Norbury, Jr., of Arkansas.
Miss Teresa Offie, of Pennsylvania.
Miss Geraldine M. Oliva, of Oregon.
Gabriel J. Paolozzi, of Nevada.
Miss Marjorie L. Pea, of Illinois.
Leslie D. Polk, of Pennsylvania.
Roger A. Provencher, of Colorado.
Miss Nancy V. Rawls, of Georgia.
David R. Raynolds, of Connecticut.
Francis X. Ready, of Virginia.
Robert A. Remole, of Minnesota.
Robert F. Rogers, of California.
Stephen H. Rogers, of Virginia.
Miss Brynhild C. Rowberg, of Virginia.
Harry V. Ryder, Jr., of Pennsylvania.
Mrs. Suzanne W. Ryerson, of Nevada.
William W. Sabbagh, of the District of Columbia.
Howard B. Schaffer, of New York.
Theodore Sellin, of Pennsylvania.
Goodwin Shapiro, of Texas.
George B. Sherry, of Virginia.
Peter Simon, of New York.
Robert W. Skiff, of Florida.

Jack M. Smith, Jr., of Virginia.
Michael Smolik, of Oregon.
William R. Smyser, of Pennsylvania.
Edward O. Stellmacher, of Wisconsin.
Mrs. Edith A. Stensby, of Tennessee.
Miss Maida F. Stotts, of California.
Edward J. Streator, Jr., of New York.
Thomas E. Summers, of California.
Joseph Terranova, Jr., of Maryland.
Terence A. Todman, of the Virgin Islands.
Allen R. Turner, of Florida.
Miss Frances A. Usenik, of Minnesota.
Marcel van Essen, of New York.
Julius W. Walker, Jr., of Texas.
Edward T. Walters, of Texas.
Peter F. Warker, Jr., of Pennsylvania.
Leland W. Warner, Jr., of Kansas.
Herman A. Washington, of New York.
William Watts, of New York.
John Quincy White, of Minnesota.
Richard W. White, of Maryland.
William Marshall Wright, of Arkansas.
Carlos M. Yordan, of the Commonwealth of Puerto Rico.

The following-named Foreign Service officers for promotion from class 6 to class 5:

Joseph Basile, of New Jersey.
John J. Helble, of Illinois.
Russell E. Olson, of Illinois.

The following-named Foreign Service officers for promotion from class 6 to class 5 and to be also consuls of the United States of America:

Philip M. Allen, of Pennsylvania.
John A. Anderegg, of New Jersey.
Dexter Anderson, of New Jersey.
George A. Anderson, of Iowa.
Terrell E. Arnold, of California.
Diego C. Asencio, of New Jersey.
Thomas J. Barnes, of Minnesota.
Arthur C. Bauman, of Michigan.
Michael P. Boerner, of New Jersey.
Peter S. Bridges, of Illinois.
James E. Briggs, of North Carolina.
William A. Brown, of New Hampshire.
David W. Burgoon, Jr., of Illinois.
John R. Burke, of Wisconsin.
Hugh K. Campbell, of Ohio.
Robert Alexander Campbell, Jr., of New Jersey.
Miss Marie E. Casey, of Florida.
J. Chapman Chester, of Wisconsin.
Harold A. Church, of Massachusetts.
Douglas McCord Cochran, of Pennsylvania.
Peter D. Constable, of New York.
Miss Mary G. Crain, of Maryland.
Thomas E. Cummings, of California.
John M. Curry, of New York.
Walter L. Cutler, of Maine.
Curtis C. Cutter, of California.
Harold L. Davey, of Nebraska.
Richard S. Dawson, Jr., of California.
John J. Degan, Jr., of New York.
Francis De Tarr, of California.
Robert B. Dollison, of Florida.
John C. Dorrance, of California.
William L. Dutton, Jr., of Iowa.
Lawrence S. Eagleburger, of Wisconsin.
Thomas O. Enders, of Connecticut.
Robert A. England, of Connecticut.
Rudy V. Fimbres, of Arizona.
Bruce A. Flatin, of Minnesota.
Paul F. Gardner, of Texas.
Robert S. Gershenson, of Pennsylvania.
William L. Givens, of California.
Harry B. Glazer, of Ohio.
Ellis V. Glynn, of Pennsylvania.
Louis P. Goelz III, of Pennsylvania.
Leopold Gotzlinger, of Ohio.
Mrs. Nannette Graham, of the District of Columbia.
Benson Lee Grayson, of New York.
Myles L. Greene, of Florida.
Marion L. Gribble, of New York.
Carl J. Grip, of California.
Brandon H. Grove, Jr., of New Jersey.
Charles H. Hallock, of New York.
Charles R. Hartley, of the District of Columbia.
Gerald B. Helman, of Michigan.
Miss Evelyn R. Hessler, of New York.
Ashley C. Hewitt, Jr., of California.
Marvin J. Hoffenberg, of Maryland.
Herbert Eugene Horowitz, of New York.
Ernest B. Johnston, Jr., of Alabama.
James D. Johnston, of California.
Munro P. Jones, of Texas.
Miss Katherine Lee Kemp, of Maryland.
Lowell C. Kilday, of Wisconsin.
Barrington King, Jr., of South Carolina.
George L. Kinter, of Vermont.
John W. Kizler, of Texas.
David Korn, of Missouri.
Gerald Lamberty, of Wisconsin.
Nelson C. Ledsky, of Ohio.
Gerard J. Levisque, of Massachusetts.
Shepard C. Lowman, of Texas.
William H. Luers, of Illinois.
Miss Loreice E. Lutfy, of Michigan.
Mrs. Marcia L. Martin, of Florida.
W. Wyatt Martin, Jr., of Tennessee.
Richard C. Matheron, of California.
Frank A. Mau, of Wyoming.
Vernon D. McAninch, of Texas.
Sherrod B. McCall, of Illinois.
Miss M. Margaret McCoy, of Colorado.
Carl H. McMillan, Jr., of the District of Columbia.
Francis Terry McNamara, of Vermont.
Francis J. McNeil III, of Florida.
Noble M. Melencamp, of Kansas.
Alan G. Mencher, of New York.
Henry R. Mills, of Kansas.
William H. Mills, of California.
Richard M. Moose, of Arkansas.
Donald R. Morris, of New York.
Carsten D. Muller, of New York.
Theodore C. Nelson, of Connecticut.
Robert B. Oakley, of Louisiana.
Theodore K. Osgood, of New Hampshire.
Arthur Parolini, of California.
Miss Eleanor R. Paulson, of Washington.
Douglas R. Perry, of New York.
Lawrence Pezzullo, of New York.
Miss Georgiana M. Prince, of Illinois.
Robert G. Rich, Jr., of Florida.
George B. Roberts, Jr., of Pennsylvania.
Paul Roman, of California.
Miss Lois J. Roork, of Oklahoma.
J. Stapelton Roy, of Pennsylvania.
Glenn E. Schweitzer, of California.
Thomas J. Scotes, of Pennsylvania.
Carl G. Seasword, Jr., of Michigan.
Peter Sebastian, of Florida.
John P. Shumate, Jr., of California.
Walter John Silva, of Texas.
Joseph G. Simanis, of Connecticut.
Donnell D. Smith, of Illinois.
Walter Burges Smith II, of Rhode Island.
R. Peter Spicer, of Ohio.
Andrew L. Steigman, of New York.
Michael Sterner, of New York.
Charles F. Stoppani, of California.
Ulrich A. Straus, of Michigan.
Miss Constance V. Stuck, of Arkansas.
John Susko, of Pennsylvania.
Miss Theresa M. Takacs, of New York.
Harry E. T. Thayer, of the District of Columbia.
Howard L. Walker, Jr., of California.
Robert E. Waska, of Texas.
Harry Weiner, of New York.
Miss Virginia A. Weyres, of Wisconsin.
James W. White, of Florida.
William M. Woessner, of New Jersey.
William B. Young, of New Hampshire.

The following-named Foreign Service officers for promotion from class 7 to class 6:

Morton I. Abramowitz, of Massachusetts.
Robert G. Adam, of California.
Joe L. Alarid, of Oklahoma.
Donald M. Anderson, of Iowa.
Gustav N. Anderson, of New York.
Rodney E. Armstrong, of California.
Jerry P. Baugh, of Pennsylvania.
Paul J. Bennett, of Iowa.
Calvin C. Berlin, of Ohio.
Edward C. Bittner, of Pennsylvania.
Donald P. Black, of California.
Robert R. Blackburn, Jr., of California.
Felix S. Bloch, of New York.
Jay H. Blowers, of Florida.
Archie M. Bolster, of Virginia.
Thomas D. Boyatt, of Ohio.
Charles W. Bray III, of Texas.
William E. Breidenbach, of New York.
Miss Lucy Therina Briggs, of Maine.
Bernard J. Brogley, of Pennsylvania.
Jere Broh-Kahn, of Ohio.
Thomas Stanley Brooks, of Wyoming.
Frederick Z. Brown, of Pennsylvania.
Josiah H. Brownell, of Illinois.
Robert L. Bruce, of California.
Eugene B. Bruns, of Tennessee.
John A. Bushnell, of Connecticut.
Ralph H. Cadeaux, of the District of Columbia.
John A. Cantwell, of New York.
Charles A. Cariddi, of California.
David W. Carr, of Massachusetts.
Miss Anne L. Carroll, of Idaho.
Burton M. Chadbourne, of the District of Columbia.
Clive Chandler, of Washington.
David P. Chandler, of New York.
Paul M. Cleveland, of Connecticut.
William M. Clevenger, of New Jersey.
Miss S. Marguerite Cooper, of California.
John E. Crump, of Kansas.
John James de Martino, of the District of Columbia.
William C. Dixon, of California.
Edward J. Dolezal, of Illinois.
Frazier Draper, of Florida.
James A. Duran, Jr., of Pennsylvania.
Richard A. Dwyer, of Indiana.
James M. Ealum, of Oklahoma.
Raymond C. Ewing, of California.
James P. Farber, of Florida.
Richard W. Faville, Jr., of California.
Bernard A. Femminella, of Minnesota.
John A. Ferch, of Ohio.
Carroll L. Floyd, of California.
Miss Alta F. Fowler, of Virginia.
John A. Froebe, Jr., of Ohio.
Robert H. Frowick, of Connecticut.
Rogelio Garcia, of New York.
Coradino E. Gatti, of Massachusetts.
J. David Gelsanliter, of Ohio.
Richard J. Gibson, of Michigan.
Thomas J. Grimes, of Illinois.
Terrence T. Grindall, of California.
Howard R. Gross, of Virginia.
John B. Gwynn, of the District of Columbia.
Miss Jo Ann M. Hallquist, of Wisconsin.
Samuel F. Hart, of Mississipppi.
Walter A. Hayden, of New York.
Miss Lorraine C. Herron, of Minnesota.
Henry A. Holmes, of Kansas.
Hume A. Horan, of New Jersey.
Richard H. Howarth, of Pennsylvania.
Arnold M. Isaacs, of Illinois.
Martin Jacobs, of New York.
Andrew R. Kay, Jr., of New York.
James E. Kiley, of California.
Dalton V. Killion, of California.
Miss Carolyn E. Kingsley, of Nebraska.
Gilbert H. Kinney, of the District of Columbia.
Thomas R. Kresse, of Ohio.
Norbert J. Krieg, of California.
Donald A. Kruse, of Pennsylvania.
Paul L. Laase, of Nebraska.
Robert C. LaPrade, of California.
Miss Morelle Lasky, of California.
James N. Leaken, of California.
Stephen J. Ledogar, of New York.
Mark C. Lissfelt, of Pennsylvania.
Joseph P. Lorenz, of Virginia.
Hugh Cooke MacDougall, of New York.
Harry Macy, Jr., of Florida.
Gifford D. Malone, of West Virginia.
William H. Mansfield III, of Connecticut.
William H. Marsh, of Pennsylvania.
David W. McClintock, of California.
Miss Mary E. McDonnell, of Massachusetts.
George A. McFarland, Jr., of Texas.
William J. McGovern, Jr., of California.
James A. McNamara, of California.
Donald F. Meyers, of Wisconsin.
Frank Micelotta, of New York.

William G. Miller, of Rhode Island.
Hawthorne Q. Mills, of California.
Miss Priscilla E. Mitchell, of Indiana.
Harlan G. Moen, of Wisconsin.
Tom R. Moore, of Tennessee.
Robert J. Morris, of Iowa.
Alvis Craig Murphy, of Ohio.
André J. Navez, of Massachusetts.
Roy C. Nelson, of New York.
Joseph K. Newman, of New Jersey.
Albert W. Noonan, Jr., of Illinois.
Daniel A. O'Donohue, of Michigan.
George W. Ogg, of New Jersey.
Walter John O'Grady, of the District of Columbia.
Joseph E. Olenik, of Pennsylvania.
John R. Oleson, of Illinois.
Miss Alison Palmer, of New York.
Michael B. Peceri, of Florida.
Edward L. Peck, of California.
Jack R. Perry, of Georgia.
John G. Peters, of Maryland.
Thomas R. Pickering, of New Jersey.
James A. Placke, of Nebraska.
Nicholas Platt, of Virginia.
Edward B. Pohl, of Louisiana.
Martin Polstein, of Maine.
William H. Price, of Florida.
Russell O. Prickett, of Minnesota.
Charles T. Prindeville, Jr., of Illinois.
Datus Proper, of Pennsylvania.
William T. Pryce, of Pennsylvania.
Anthony C. E. Quainton, of Washington.
Robert I. Randolph, of California.
Donald E. Rau, of Florida.
Frank M. Ravndal, of Maryland.
John D. Rendahl, of Minnesota.
Miss Rozanne L. Ridgway, of Minnesota.
Kenneth N. Rogers, of Florida.
Gerald A. Rosen, of New York.
David Rowe, of Maryland.
Edward G. Ruoff, of Ohio.
James Sartorius, of Kansas.
Louis Schwartz, Jr., of Illinois.
David G. Shaw, of New York.
Gilbert H. Sheinbaum, of California.
William T. Shinn, Jr., of Minnesota.
David D. Shobe, of Illinois.
Robert W. Smith, of Missouri.
Roger A. Sorenson, of Utah.
John D. Spangler, of Tennessee.
Frederic N. Spotts, of Massachusetts.
Robert S. Steven, Jr., of Rhode Island.
James Stromayer, of Illinois.
James P. Sullivan, of Pennsylvania.
Nathaniel B. Thayer, of Massachusetts.
John B. Tipton, of Illinois.
George R. Tolles, of Ohio.
James L. Tull, of Iowa.
Joseph W. Twinam, of Tennessee.
John T. Vanderveen, of California.
James R. Vandivier, of Indiana.
Matthew H. Van Order, of Minnesota.
Robert von Pagenhardt, of Connecticut.
Frank E. Wallace, of Tennessee.
Benjamin Weiner, of New York.
Mrs. Melissa F. Wells, of California.
Herbert E. Wilgis, Jr., of Maryland.
A. Norman Williams, of Michigan.
Larry C. Williamson, of California.
Dawson S. Wilson, of Florida.
Thomas F. Wilson, of Michigan.
Edward C. Woltman, Jr., of Indiana.
Joseph R. Yodzis, of Pennsylvania.
Michael van Breda Yohn, of Connecticut.

The following-named Foreign Service officers for promotion from class 8 to class 7:

Francis J. Barrett, of Pennsylvania.
C. Thomas Bleha, of Michigan.
Richard Thomas Booth, of Michigan.
William T. Breer, of California.
Richard G. Brown, of Massachusetts.
Thomas J. Burke, of New York.
Harry E. Christie, of the District of Columbia.
Malcolm H. Churchill, of Iowa.
James Ford Cooper, of Michigan.
Trusten Frank Crigler, of Arizona.
Rolfe B. Daniels, of California.
Michael Dowling, of Georgia.
Adolph H. Eisner, of Florida.
Otho Evans Eskin, of the District of Columbia.
Joseph G. Fandino, of New York.
Miss Martha C. Frautschi, of Wisconsin.
Samuel Edwin Fry, Jr., of Massachusetts.
Paul John Glasoe, of Ohio.
Mrs. Miña Shayne Goldberg, of New York.
Frederick A. Hahn, of New York.
Gabriel C. Hanson, of Illinois.
Richard Harding, of Michigan.
Alan M. Hardy, of Ohio.
Paul J. Hare, of the District of Columbia.
Robert Y. Hayashida, of Hawaii.
Jerome L. Hoganson, of Wisconsin.
Ernest H. S. Holm, of Massachusetts.
Richard B. Howard, of the District of Columbia.
George Merwin Humphrey, of Pennsylvania.
Herbert H. E. Hymans, of California.
Robert F. Illing, of California.
R. Allen Irvine, of Pennsylvania.
John K. Jessup, Jr., of Connecticut.
Ralph T. Jones, of Wisconsin.
Curtis W. Kamman, of Arizona.
Mrs. Mary Curtis Kamman, of Arizona.
Moorhead C. Kennedy, Jr., of Maine.
William F. Kingsbury, of New Jersey.
Joseph E. Lee, of Idaho.
Robert S. Littell, Jr., of Connecticut.
Raymond B. Lombardi, of Rhode Island.
Walter A. Lundy, Jr., of Georgia.
Miss Marian L. Mains, of Idaho.
Robert W. Mashek, of Iowa.
Philip R. Mayhew, of the District of Columbia.
David McMeans, of Texas.
Richard H. Melton, of Maryland.
John D. Negroponte, of New York.
Patrick T. O'Connor, of New York.
Nuel L. Pazdral, of California.
Lawrence R. Raicht, of New York.
Miss Katherine I. Ronald, of Arizona.
Robert J. Ryan, Jr., of the District of Columbia.
William E. Ryerson, of Nevada.
John J. St. John, of Pennsylvania.
Raymond W. Seefeldt, of Illinois.
Larry W. Semakis, of New York.
Charles Arthur Semones, of Virginia.
Robert E. Service, of the District of Columbia.
Mrs. Mary C. Shoemaker, of Pennsylvania.
Frederick Owen Shoup, of California.
Lester P. Slezak, of Pennsylvania.
John P. Spillane, of Indiana.
Charles Steedman, of Rhode Island.
Miss Peggy Stewart, of Tennessee.
Roscoe S. Suddarth, of Tennessee.
Miss Barbara F. Sweeney, of New York.
Dirck Teller, of Maryland.
Stephen Lee Wailes, of Florida.
William B. Whitman, Jr., of Illinois.
H. Cramer Widenor, of New Jersey.
John H. Wilde, of Michigan.

Seymour Chalfin, of New York, for appointment as a Foreign Service officer of class 4, a consul, and a secretary in the diplomatic service of the United States of America.

John R. Clingerman, of Michigan, now a Foreign Service officer of class 6 and a secretary in the diplomatic service, to be also a consul of the United States of America.

John Hall Rouse, Jr., of Maryland, for reappointment in the Foreign Service as a Foreign Service officer of class 7, a vice consul of career, and a secretary in the diplomatic service of the United States of America, in accordance with the provisions of section 520(a) of the Foreign Service Act of 1946, as amended.

The following-named Foreign Service Reserve officers to be consuls of the United States of America:

Ernest G. Land, of New York.
Richard G. McCloskey, of California.
James H. McGillivray, of California.
Blanchard K. Parsons, of New York.
Anthony Radspieler, of California.
Harold O. Wright, of the District of Columbia.

The following-named Foreign Service Reserve officers to be vice consuls of the United States of America:

Joseph G. Kecskemethy, of Virginia.
Joseph Kinal, of Nevada.

The following-named Foreign Service Reserve officers to be secretaries in the diplomatic service of the United States of America:

Bernard F. D'Ambrosio, of Virginia.
John W. O'Connell, of South Dakota.

DEPARTMENT OF THE ARMY

Edmund T. Pratt, Jr., of New York, to be Assistant Secretary of the Army, vice William F. Schaub.

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Samuel Leslie Myers, O17180, Army of the United States (major general, U.S. Army).

The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section 3066, in grades as follows:

Lt. Gen. John Knight Waters, O18481, Army of the United States (major general, U.S. Army), in the grade of general.

Maj. Gen. Theodore John Conway, O19015, U.S. Army, in the grade of lieutenant general.

Maj. Gen. Charles Granville Dodge, O18072, U.S. Army, in the grade of lieutenant general.

The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

Maj. Gen. Albert Watson II, O18105, U.S. Army, in the rank of lieutenant general.

Maj. Gen. Harvey Herman Fischer, O18832, U.S. Army, in the rank of lieutenant general.

(The above appointments in the Army were made during the recess of the Senate.)

IN THE ARMY*

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

Maj. Gen. Alfred Dodd Starbird, O18961, Army of the United States (brigadier general, U.S. Army), in the rank of lieutenant general.

The Army National Guard of the U.S. officer named herein for promotion as a Reserve commissioned officer of the Army under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be brigadier general

Francis Stevens Greenlief, O1291268, Infantry.

The following-named officers for promotion in the Regular Army of the United States under the provisions of title 10, United States Code, sections 3284 and 3298:

To be first lieutenants

Anderson, Jimmie M., O94843.
Badger, William W., O95153.
Bingham, Keith P., O90327.
Blondell, John V., O95594.
Caravana, Richard R., O94048.
Fowler, James H., O95321.
Graham, William C., O95326.
Halford, John R., O93462.
Infante, Donald R., O95341.
Johnson, Victor V., Jr., O93480.
Lamb, John C., O96693.
Lanphear, Paul J., O95350.
Mills, David E., O93359.

Murray, Louis J., Jr., O95366.
Parsons, Donald L., O95375.
Rose, Wilbur Van N., O95384.
Smallen, Ray H., O95752.
Smith, Harold L., O95394.

To be first lieutenant, Women's Army Corps

Carroll, Sallie L. E., L606.

To be first lieutenants, Medical Service Corps

Herber, William E., Jr., O92918.
Kearns, William J., O92684.

The following-named person for reappointment to the active list of the Regular Army of the United States, from the temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be lieutenant colonel

Hope, Francis M., O30541.

The following-named persons for appointment in the Regular Army by transfer in the grades specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287 and 3288:

To be major

Fleury, Thomas C. (MSC), O84737.

To be first lieutenant

Cleaver, Bruce H. (MSC), O84141.

To be second lieutenant

Shiban, Ronald J. (MSC), O93298.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

To be captains

Albert, George R., O4005397.
Bacon, Norman J., O4005770.
Brindel, Charles L., O1913427.
Brown, Ollie, O2097765.
Carey, William K., O4021026.
Childers, Marvin E., O1916007.
Cormany, Cecil D., O4046390.
Emery, Calvin B., O1938002.
Evers, Richard E., O1924931.
Foster, Howard R., O4011035.
Frampton, Henry G., Jr., O998435.
Geiger, Ervine H., Jr., O1883408.
Grant, James R., O4028743.
Griffin, Bobby F., O1938009.
Helmick, Glelma O., O1931625.
Hiebert, Donald L., O2014767.
Johnson, Carl C., O964749.
Johnson, William A., O4009619.
Jolemore, Kenneth A., O4030913.
Kamandulis, Donald A., O4006151.
Keyes, Terrence E., O4010701.
Lawrence, William A., O1937264.
Lutsch, John W., O4013424.
McNulty, Francis, O4010805.
Michalski, John L., Jr., O4010514.
Motsko, Myron M., O4005710.
Parker, David H., O4018683.
Putnam, Carl M., Jr., O4006951.
Radcliffe, Jack W., O999508.
Rumney, Russell E., O4026887.
Scanlon, James B., O2266285.
Schlafer, Clarance J., O1342349.
Schrage, Gerhardt H., O2004405.
Scott, Cecil R., O1881435.
Teal, James A., Jr., O4005521.
Vinton, James N., O4033523.

To be first lieutenants

Bernstein, Charles P., O5307311.
Blanchard, Charles E., O5307675.
Boyd, William J., O5405305.
Burleson, Charles E., O5303294.
Buschke, Thomas H., O5703971.
Carrick, John M., O4084648.
Catt, Jackie D., O5403592.
Cini, Lyn G., O5507900.
Cranston, Robert L., O5006080.
Crawford, Cecil M., O4049408.
Crocker, Aaron O., O5307840.
Daines, Guy E., O5204784.
Dillard, Franklin R., O5209434.
Eady, Connie D., O5400271.
Gordon, Jack J., O5402207.
Holloway, William B., O4030977.
Holmstrom, Ronald J., O4069031.
Houser, Charles M., O5305190.
Jaco, Neal T., O5507742.
Kirk, Louis D., O5301626.
Martin, Ernest L., O5208775.
Mitchell, John S., O4047614.
Morley, Thomas L., O4006932.
Natale, Matthew M., O5000186.
Overgard, Richard N., O5704711.
Powell, Roger E., O5304861.
Schloesser, Robert P., O5002640.
Shaw, Robert L., O4050223.
Sieck, Robert R., O5201103.
Steinbach, James J., O5201531.
Stout, Thomas E., O4060584.
Todd, Alan R., O5401297.
Valandry, David D., O5505938.
Waggoner, Robert N., O4063213.
Webster, William L., O4074435.
Wilson, Richard L., O4048079.
Woiton, John B., Jr., O5400869.
Wolff, Robert A., O4084693.
Wray, Donald P., O4060847.

To be second lieutenants

Biemeck, John F., O5210524.
Chinn, Mitchell E., O5412125.
Clawson, Lucien B., Jr., O4074459.
Crasto, Donald L., O5305184.
Deryck, John L., O5312400.
Dillard, Hugh B., O5308424.
Dunford, William H., O5006580.
Dunham, John M., O5410215.
Emerson, Lloyd A., O5506510.
Emig, Donald K., O5209847.
Evans, Donald L., O5705162.
Flanagan, Joseph J., O5210387.
Forrest, George G., O5210432.
Gilligan, Richard M., Jr., O2310341.
Green, Thomas S., O5311881.
Harrison, Joseph J., O5009168.
Jones, Robert S., Jr., O5405704.
Laursen, Otto D., O5210525.
MacArthur, Graham, O5311568.
Manolakis, John J., O5309493.
Masterson, Lawrence E., O5212484.
McDonald, Edward M., O5312314.
Middlebrook, Paul R., O5509062.
Miller, Robin K., O5312170.
Neale, Larry W., O5213156.
Newell, Wales A., O5005608.
Pabst, David A.
Pell, Richard F., O5209491.
Preston, Edward G., O5510152.
Redding, Thomas S., Jr., O5313914.
Reilly, Martin D., O5705753.
Rickenberg, Warren G., O5507788.
Sinkler, Paul F., O5509765.
Staples, Thomas F., O5007243.
Tompson, James D., O5307666.
Trudell, John A., O5310698.
Whatley, David T., O5409326.
Wisdom, Thomas E., Jr., O5410077.
Wright, Jerry T., O5308513.

The following-named persons for appointment in the Regular Army of the United States, in the grades and corps specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3294, and 3311:

To be captain, Army Medical Specialist Corps

Hansen, Nancy P., M3034.

To be captains, Army Nurse Corps

Allison, Lyndall R., N902339.
Smith, Cassandra M., N805719.

To be captains, Dental Corps

Adrian, James C., O4052114.
Archer, Eugene G., O5217106.
Colavito, Paul N., O4038072.
Crase, Silas N., O5214116.
Davis, Robert M., O5301106.
Feeney, George E., O2276877.
Hourigan, Matthias J., O5210132.
Lee, Lawrence B., O4013777.
Lefler, Billie B., O2279767.
Olson, Robert A. J., O5003527.
Potter, Daniel M., O5213673.
Schriver, William R., O4070900.

To be captains, Judge Advocate General's Corps

Dorsey, Robert G., O967976.
Mullins, William R., O2274549.

To be captains, Medical Corps

Curzon, Eugene C., Jr., O5701427.
DeFrancesco, Fred L., O5216736.
Garner, Ronald S., O4044726.
Kern, William A., O5703186.
Killam, Allen P., O1940819.
Kinsey, Norman F., O4045062.
Krouse, John M., O4047117.
Perry, Lawrence B., O2309874.
Price, Laurance W., O5408255.
Robbins, Roger C., O5501176.
Rosato, Donald J., O5203388.
Rothenberger, Monty L., O1940667.
Short, Earl D., Jr., O4075450.
Sollie, Stanley C., O5701439.

To be captains, Medical Service Corps

Ertell, Charles H., Jr., O4006598.
Long, James E., O4048701.
Samuels, Alan, O4038100.

To be first lieutenants, Army Nurse Corps

Jims, Madeline P., N2304137.
Skinner, Fay J., N2306077.
Troche, Adoree R., N5407066.

To be first lieutenants, Dental Corps

Balaban, Bernard, O5004961.
Fevang, Matthew J., O2310245.
Hennig, Guenther H., O5519040.
Huget, Eugene F., O5518190.

To be first lieutenants, Judge Advocate General's Corps

Boller, Richard R., O2305792.
Chapman, Clarence E., Jr., O2306019.
Jacobs, Marvin, O2299033.
Layton, Charles M., O5209259.
Moize, Jerry D., O2307329.
Suter, William K., O5404403.
Witt, Jerry V., O5403513.

To be first lieutenants, Medical Corps

Agee, Robert E., O5200823.
DeSantis, Joseph A., O4020807.
Magoline, Alfred J., Jr., O2305089.
Soha, Albert J., O2305162.

To be first lieutenants, Medical Service Corps

Evans, Harold L., O2298788.
Heggers, John P., O2299080.
Lynch, George R., O4006633.
Marchand, Francis W., Jr., O2298919.

To be first lieutenants, Veterinary Corps

Edwards, George C., O4028771.
Elliott, Mark P., O2300654.
Stanton, Jack S., O2306008.

To be first lieutenant, Women's Army Corps

Wagner, Lilian N., L2289166.

To be second lieutenant, Army Medical Specialist Corps

Buss, Carole J., N2301069.

To be second lieutenants, Medical Service Corps

Browning, Charles W., O2308606.
Getzin, Robert H., O2304590.
Hays, Walter R., O5412908.
Himes, Charles F., O2308270.
Linkenhoker, Ben Y., O2308383.
Mayer, Henry A., Jr., O5212925.
McDaniels, Melvin B., O5410790.
McLean, John M., O5309645.
McNeill, Douglas W., O2308591.
Michie, David D., O2303935.
Phillips, Harry V., Jr., O2276796.
Shannon, Sam, Jr., O5306014.
Silverstein, Herman R., O2308594.
Ward, John R., O5410726.

To be second lieutenant, Women's Army Corps

Seibert, Nancy L., L5302048.

The following-named distinguished military students for appointment in the Medical Service Corps, Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10,

United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, and 3290:

Damian, Kenneth J.
Davis, Charles T.
Hubbard, Richard B., III, O5317336
Lightfoot, Donald R.
Powell, Fredrick C.

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

Abate, Claude W.
Allen, Richard S., Jr.
Baker, Robert F., O5414078
Baker, Ronald W.
Bartlett, LeRoy, III
Beall, Raymond F., O5414133
Blouin, James O., Jr.
Bolen, William S.
Bujakowski, Thomas E., O5219021
Byrnes, James B., O5708040
Cannan, Patrick F., O5014229
Carter, Edward E.
Eager, Benjamin F., III
Edwards, Don R., O5317494
Engen, Alan K.
Falcone, John P., Jr.
Fernandes, Alfredo J., Jr.
Freeman, Donald W.
Friedberg, Richard S.
Gaston, Joseph R., O5517884
Grochowski, Gerald A.
Gustafson, Jan A., O5414043
Hadaway, Bobby G., O5317344
Hammett, Grady E.
Harris, Dalrymple M., Jr.
Hayes, William H., Jr.
Hunter, Dean H.
Irving, Robert J.
Johnson, Andrew J.
Kemp, James C., Jr.
Kish, Ernest S., O5517940
Mann, Carl A.
McClure, William M.
McGill, Brian J.
Mitchell, Craig K., O5517938
Moentmann, Werner A., O5516896
Newman, Ned, O5413875
Olsen, Gary A.
Ortiz, Luis
Osborne, John W.
Overcash, James R., Jr.
Owen, Charles S.
Parlow, Robert J.
Pastor, John D., Jr.
Prusinovski, Louis H.
Ramey, Arthur
Read, Donald B.
Reilly, William F., Jr., O5313700
Rodimon, Stanley J., O5317385
Sausker, William F.
Shaffer, Richard G.
Shimabukuro, Stanley S., O5800359
Swearengen, Mark A.
Tann, Richard A.
Taylor, Gary L., O5413965
Towne, Thomas J.
Wainscott, George T.
Waldrip, Emory L., II
Willson, Loyd M., O5530271
Winn, Robert B.
Wolfkill, Harry H., O5219538
Yoshina, Lloyd H., O5800361

* These above appointments were made during the recess of the Senate.

SENATE

WEDNESDAY, JANUARY 16, 1963

(Legislative day of Tuesday, January 15, 1963)

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

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

O Thou whose throne is justice and truth: Frail creatures of dust, yet stamped with Thine image, serving out our brief span on the world's vast stage, we would set our little lives in the midst of Thine eternity.

As those to whom has been committed the stewardship of the fair and firm fabric of the Nation's life, grant us now, in a violent world, in these grim days of decision, a saving experience of inner quiet and serenity.

Knowing that all truth is Thine, that it is only truth that makes men free, and that all fetters of the mind and spirit and body, as they desecrate human dignity, are an offense to Thee, strengthen our will, we beseech Thee, never to be browbeaten by threatening evil, or to surrender to craven fear; that having done all for a just peace, to stand steadfastly where honor and duty draw the line from which there can be no retreat without our being recreant to Thy solemn trust, and thus failing both man and Thee.

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

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, January 15, 1963, was dispensed with.

MORNING HOUR DISPENSED WITH

Mr. MANSFIELD. Mr. President, in compliance with the request of the distinguished senior Senator from New York [Mr. JAVITS], at this moment I shall not request that there be a morning hour.

CORRECTION OF SENATE RESOLUTION 244, 87TH CONGRESS, 2D SESSION

Mr. MANSFIELD. Mr. President, I call the attention of the Senate to the fact that at this time I wish to offer a Senate resolution, so that a correction of a resolution can be made.

As the result of a printing error, Senate Resolution 244, which was agreed to by the Senate on February 7, 1962, contains the erroneous expiration date of January 1, 1963. From the Rules Committee report on this resolution, it is quite obvious that it was intended that this subcommittee be authorized for a full year ending on January 31, 1963.

Mr. President, I assure all Senators that their rights will be safeguarded; and at this time, in order that the RECORD may be corrected, I should like to offer an amending resolution and request its immediate consideration.

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

Mr. MANSFIELD. I yield.

Mr. RUSSELL. What is the effect of the resolution changing the date?

Mr. MANSFIELD. The usual date is January 31—in other words, for a full year. But, through error, the expiration date of the subcommittee was made January 1. The subcommittee is still operating; and if some action of this sort is not taken, the pay of the employees will be in jeopardy.

Mr. RUSSELL. To what subcommittee does the resolution refer?

Mr. MANSFIELD. To the Subcommittee on Banking.

Mr. RUSSELL. The Subcommittee on Banking?

Mr. MANSFIELD. Yes.

Mr. RUSSELL. Is the subcommittee functioning?

Mr. MANSFIELD. Yes; on a tentative basis, until this error is corrected.

Of course the resolution would be offered with the proviso that the status quo would be maintained and that the rights of any Senator would not be impinged upon in the slightest.

Mr. RUSSELL. Well, Mr. President, inasmuch as the Senate is a continuing body, I think the employees should be paid. [Laughter.]

Mr. MANSFIELD. Mr. President, I send the resolution to the desk, and request its immediate consideration.

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

The resolution will be read.

The resolution (S. Res. 43) was read, as follows:

Resolved, That section 2 of Senate Resolution 244, agreed to February 7, 1962, is hereby amended by striking out "January 1, 1963" where it appears therein and inserting in lieu thereof "January 31, 1963".

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Without objection, the resolution is agreed to.

CALL OF THE ROLL

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

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

The Chief Clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the proceedings under the quorum call may be dispensed with.

Mr. RUSSELL. Mr. President, I object.

The PRESIDENT pro tempore. Objection is heard. The clerk will continue to call the roll.

The Chief Clerk continued and concluded the rollcall, and the following Senators answered to their names:

[No. 4 Leg.]

Aiken	Hartke	Morse
Anderson	Hayden	Morton
Bartlett	Hickenlooper	Moss
Bayh	Hill	Mundt
Beall	Holland	Muskie
Bennett	Hruska	Nelson
Boggs	Humphrey	Neuberger
Brewster	Inouye	Pastore
Byrd, W. Va.	Jackson	Pearson
Carlson	Javits	Pell
Case	Johnston	Prouty
Church	Jordan, Idaho	Randolph
Clark	Keating	Ribicoff
Cooper	Kennedy	Robertson
Cotton	Kuchel	Russell
Curtis	Lausche	Saltonstall
Dirksen	Long, Mo.	Scott
Dodd	Long, La.	Simpson
Dominick	Magnuson	Smathers
Douglas	Mansfield	Smith
Eastland	McCarthy	Sparkman
Edmondson	McClellan	Stennis
Engle	McGee	Talmadge
Ervin	McGovern	Thurmond
Fong	McIntyre	Williams, N.J.
Fulbright	McNamara	Williams, Del.
Goldwater	Mechem	Yarborough
Gruening	Miller	Young, N. Dak.
Hart	Monroney	Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Louisiana [Mr. ELLENDER], the Senator from Tennessee [Mr. GORE], the Senator from North Carolina [Mr. JORDAN], the Sena-