By Mr. FINO:
H.R. 3364. A bill for the relief of Mrs. Vera Gwendolyn Sawyer (nee Edwards); to the Committee on the Judiciary.
By Mr. GILBERT:
H.R. 3365. A bill for the relief of Winston Lloyd McKay; to the Committee on the Judiciary.
By Mr. GROSS:
H.R. 3366. A bill for the relief of Ferenc Molnar; to the Committee on the Judiciary.
By Mr. KEOGH:
H.R. 3367. A bill for the relief of Alice Fellin; to the Committee on the Judiciary.
By Mr. LANKFORD:
H.R. 3368. A bill to authorize the Administrator, General Services Administration, to convey, by quitclaim deed, a parcel of land to the Lexington Park Volunteer Fire Department, Inc.; to the Committee on Government Operations.
By Mr. McINTIRE:
H.R. 3369. A bill for the relief of Mrs. Elizabeth G. Mason; to the Committee on the Judiciary.
By Mr. MOORE:
H.R. 3370. A bill for the relief of Lydia Lazaro; to the Committee on the Judiciary.
H.R. 3371. A bill for the relief of Jaime E. Lazaro; to the Committee on the Judiciary.
H.R. 3372. A bill for the relief of Dr. Fidel Rodriguez-Cubas; to the Committee on the Judiciary.
By Mr. RIEHLMAN:
H.R. 3373. A bill for the relief of Giovanni Bilardi; to the Committee on the Judiciary.
By Mr. ROGERS of Texas:
H.R. 3374. A bill for the relief of Ilias Gotsis; to the Committee on the Judiciary.
By Mr. ROONEY:
H.R. 3375. A bill for the relief of Giovanni Della Ratta; to the Committee on the Judiciary.
By Mr. RYAN of New York:
H.R. 3376. A bill for the relief of Jose Antonio Cuchi Ortega; to the Committee on the Judiciary.
By Mr. SHELLEY:
H.R. 3377. A bill for the relief of Emmanuel M. Febre; to the Committee on the Judiciary.
By Mr. SHEPPARD:
H.R. 3378. A bill for the relief of Kui Bor Woo; to the Committee on the Judiciary.
H.R. 3379. A bill for the relief of Lai Yin Lee and her brother, Kin Man Lee; to the Committee on the Judiciary.
H.R. 3380. A bill for the relief of Yee Nging-Foo (also known as Lee Mun-Wah and Wally Yee); to the Committee on the Judiciary.
H.R. 3381. A bill for the relief of Desmond M. Luck; to the Committee on the Judiciary.
H.R. 3382. A bill for the relief of Mrs. Margarette Altman de Frisch; to the Committee on the Judiciary.
H.R. 3383. A bill for the relief of Albert W. McConchie; to the Committee on the Judiciary.
H.R. 3384. A bill for the relief of Tommy Lee (also known as Lee Shue Chung); to the Committee on the Judiciary.
By Mr. WIDNALL:
H.R. 3385. A bill for the relief of Dr. Henry L. Salvacion, his wife, Herminia Sabello Salvacion, and their minor children, Julius, Myrna, and Sheila Salvacion; to the Committee on the Judiciary.

PETITIONS, ETC.

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

32. By Mr. RYAN of New York: Petition of Patricia Rodriguez, president, Puerto Rican Political Women Association, Inc., and others to increase the personal income tax exemption from $600 to $1,000; to the Committee on Ways and Means.

33. By Mrs. ST. GEORGE: Petition of Franklin C. Capps and 48 others, to preserve the Monroe Doctrine; to the Committee on Foreign Affairs.

34. By Mr. SHRIVER: Resolution submitted by Mrs. George H. Becker, Peabody, Kans., legislative chairman, in behalf of the American Legion Auxiliary Post 95 of Peabody, recommending to the Congress that the House Committee on Un-American Activities be given full support of Congress and that appropriations requested by Mr. WALTER and House Un-American Activities Committee be approved; to the Committee on House Administration.

35. By Mr. TEAGUE of California: Petition of certain citizens of the 13th Congressional District of California to preserve the Monroe Doctrine; to the Committee on Foreign Affairs.

36. By the SPEAKER: Petition of Eugene G. Evans, Jr., M.D., Hendersonville, N.C., requesting the impeachment of John Fitzgerald Kennedy, President of the United States of America, for using the Armed Forces of the United States as a posse comitatus in Oxford, Miss., in October, 1962—this action being a criminal violation; to the Committee on the Judiciary.

37. Also petition of Clarence E. Whaley, San Jose, Calif., calling for the impeachment of John F. Kennedy, President of the United States; to the Committee on the Judiciary.

SENATE

MONDAY, FEBRUARY 4, 1963

(Legislative day of Tuesday, January 15, 1963)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by Hon. LEE METCALF, a Senator from the State of Montana.

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

O Thou God of grace and glory, whose ways are mercy and truth, and in whose love and wisdom lie all our help and hope, in the morning our prayers rise to Thee.

Cleanse us, we beseech Thee, from secret faults which may mar our public service. Give us to see that we cannot consistently call mankind to put aside the weapons of carnage and destruction if our own lives are arsenals of suspicion, hatred, prejudice, and a selfish disregard for the feelings and rights of others.

In these hectic and explosive days may we be strengthened with might, and our jaded souls refreshed, as Thou dost lead us into green pastures and beside still waters—

Spirit of purity and grace,
Our weakness, pitying see,
O make our hearts Thy dwelling place,
And worthier of Thee.

Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 4, 1963.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. LEE METCALF, a Senator from the State of Montana, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. METCALF thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 31, 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 ON PROGRAM FOR ESTABLISHMENT OF COMMERCIAL COMMUNICATIONS SATELLITE SYSTEM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 56)

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

THE WHITE HOUSE,
Washington, January 31, 1963.

To the Congress of the United States:

Pursuant to the provisions of section 404(a) of the Communications Satellite Act of 1962, I transmit herewith the required report covering activities in connection with the national program for the establishment of a commercial communications satellite system.

JOHN F. KENNEDY.

REPORT OF ARMS CONTROL AND DISARMAMENT AGENCY — MESSAGE FROM THE PRESIDENT (H. DOC. NO. 57)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I have the honor to transmit the Second Annual Report of the U.S. Arms Control and Disarmament Agency.

In this report, submitted pursuant to law, the Agency describes its activities for the calendar year 1962.

JOHN F. KENNEDY.

THE WHITE HOUSE, *February 4, 1963.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, informed the Senate that the Speaker had made the following appointments on the part of the House:

To the Joint Committee on Atomic Energy: Mr. ANDERSON, of Illinois.

To the Joint Committee on Immigration and Nationality Policy: Mr. CELLER, of New York; Mr. WALTER, of Pennsylvania; Mr. FEIGHAN, of Ohio; Mr. POFF, of Virginia; and Mr. MOORE, of West Virginia.

To the Joint Congressional Committee on Construction of a Building for a Museum of History and Technology for the Smithsonian Institution: Mr. CANNON, Mr. JONES of Alabama, Mr. KIRWAN, Mr. BOW, and Mr. FULTON.

To the Committee To Investigate Nonessential Federal Expenditures: Mr. MILLS, of Arkansas; Mr. KING, of California; Mr. BYRNES, of Wisconsin; Mr. CANNON, of Missouri; Mr. MAHON, of Texas; and Mr. JENSEN, of Iowa.

To the Joint Committee on Navajo-Hopi Indian Administration: Mr. HALEY, of Florida; Mr. MORRIS, of New Mexico; and Mr. BERRY, of South Dakota.

To the Select Committee To Conduct Studies and Investigations of the Problems of Small Business: Mr. EVINS, Mr. PATMAN, Mr. MULTER, Mr. STEED, Mr. ROOSEVELT, Mr. KLUCZYNSKI, Mr. DINGELL, Mr. MCCULLOCH, Mr. MOORE, Mr. AVERY, Mr. SMITH of California, Mr. ROBISON, and Mr. HARVEY.

To the Board of Visitors to the U.S. Military Academy: Mr. TEAGUE of Texas, Mr. NATCHER, Mr. RIEHLMAN, and Mr. OSTERTAG.

To the Board of Visitors to the U.S. Coast Guard Academy: Mr. ST. ONGE, of Connecticut; and Mr. MARTIN, of California.

To the Board of Visitors to the U.S. Air Force Academy: Mr. ROGERS, of Colorado; Mr. FLYNT, of Georgia; Mr. CHENOWETH, of Colorado; and Mr. LAIRD, of Wisconsin.

To the Board of Visitors to the U.S. Merchant Marine Academy: Mr. CAREY, of New York; and Mr. MCINTIRE, of Maine.

To the National Forest Reservation Commission: Mr. COLMER, of Mississippi; and Mr. WESTLAND, of Washington.

To the Migratory Bird Conservation Commission: Mr. KARSTEN, of Missouri; and Mr. GAVIN, of Pennsylvania.

To the Franklin Delano Roosevelt Memorial Commission: Mr. KEOGH, of New York; Mr. ROOSEVELT, of California; Mr. SCHENCK, of Ohio; and Mr. HALPERN, of New York.

To the Woodrow Wilson Memorial Commission: Mr. GALLAGHER, of New Jersey; and Mr. WALLHAUSER, of New Jersey.

To the U.S. Territorial Expansion Memorial Commission: Mr. KARSTEN, of Missouri; Mr. HAYS, of Ohio; and Mr. CUNNINGHAM, of Nebraska.

To the National Monument Commission: Mr. JONES, of Alabama; Mr. ULLMAN, of Oregon; Mr. NYGAARD, of North Dakota; and Mr. SCHWENGEL, of Iowa.

To the Civil War Centennial Commission, to serve with himself: Mr. ELLIOTT, of Alabama; Mr. DADDARIO, of Connecticut; Mr. SCHWENGEL, of Iowa; and Mr. GOODLING, of Pennsylvania.

To the Battle of New Orleans Sesquicentennial Celebration Commission: Mr. HÉBERT, Mr. COLMER, Mr. ABERNETHY, Mr. BOGGS, Mr. EVERETT, Mr. NATCHER, Mr. SILER, and Mr. QUILLEN.

To the Battle of Lake Erie Sesquicentennial Celebration Commission: Mr. ASHLEY, of Ohio; Mr. DULSKI, of New York; Mr. LATTA, of Ohio; and Mr. MOSHER, of Ohio.

To the North Carolina Tercentenary Celebration Commission: Mr. WHITENER, Mr. RAINS, Mr. KORNEGAY, and Mr. JONAS.

To the New Jersey Tercentenary Celebration Commission: Mr. RODINO, of New Jersey; Mr. THOMPSON, of New Jersey; Mr. AUCHINCLOSS, of New Jersey; and Mr. WIDNALL, of New Jersey.

To the Saint Augustine Quadricentennial Commission: Mr. MATTHEWS, of Florida; and Mr. CRAMER, of Florida.

To the National Memorial Stadium Commission: Mr. TEAGUE, of Texas; Mr. LANKFORD, of Maryland; and Mr. BELCHER, of Oklahoma.

To the National Historical Publications Commission: Mr. MILLER of California.

To the U.S. Constitution One Hundred and Seventy-fifth Anniversary Commission: Mr. BYRNE, of Pennsylvania; Mr. DELANEY, of New York; and Mr. CORBETT, of Pennsylvania.

To the Advisory Commission on Intergovernmental Relations: Mr. FOUNTAIN, of North Carolina; Mr. KEOGH, of New York; and Mrs. DWYER, of New Jersey.

To the National Fisheries Center and Aquarium Advisory Board: Mr. KIRWAN and Mr. JENSEN.

To the Federal Records Council: Mr. STAGGERS and Mr. GOODELL.

To the Board of Directors of Gallaudet College: Mr. THORNBERRY, of Texas; and Mr. NELSEN, of Minnesota.

The message also informed the Senate that the Speaker had appointed as ex officio members of the Board of Trustees of the National Cultural Center the following Members on the part of the House: Mr. WRIGHT, Mr. THOMPSON of New Jersey, and Mrs. REID.

The message further announced that Mr. MILLS, chairman of the Committee on Ways and Means, had designated the following members of that committee to serve as Members on the part of the House of the Joint Committee on Internal Revenue Taxation: Mr. MILLS, of Arkansas; Mr. KING, of California; Mr. O'BRIEN, of Illinois; Mr. BYRNES, of Wisconsin; and Mr. BAKER, of Tennessee.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour for the introduction of bills and the transaction of routine business.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

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

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its session today, it stand in recess until 10 a.m. tomorrow morning.

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

OBJECTION TO COMMITTEE MEETINGS

Mr. MANSFIELD. Mr. President, for the information of the Senate, I wish to state that I shall object to having any committees of the Senate meet, beginning tomorrow morning.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORTS ON REAPPORTIONMENT OF 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 Treasury Department for "Operating expenses, Coast Guard," for the fiscal year 1963, had been reapportioned 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 Treasury Department for "Salaries and expenses, Bureau of Customs," for the fiscal year 1963, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

ESTABLISHMENT OF POSITION OF DIRECTOR OF CIVIL DEFENSE

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to establish the position of Director of Civil Defense, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

CONSTRUCTION OR MODIFICATION OF PUBLIC SHELTER SPACE

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to further amend the Federal Civil Defense Act of 1950, as amended, to provide for shelter in Federal structures, to authorize payment toward the construction or modification of approved public shelter space, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

REPORT ON ARMY NATIONAL GUARD CONSTRUCTION AUTHORIZATION PROGRAM

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting, pursuant to law, a report on the Army National Guard construction authorization program, for the year 1963 (with an accompanying report); to the Committee on Armed Services.

REPORT OF OFFICE OF CIVIL DEFENSE, DISTRICT OF COLUMBIA

A letter from the Director, Office of Civil Defense, government of the District of Columbia, Washington, D.C., transmitting, pursuant to law, a report of that Office, for the fiscal year 1962 (with an accompanying report); to the Committee on Armed Services.

REPORT ON RESEARCH PROGRESS AND PLANS OF THE U.S. WEATHER BUREAU

A letter from the Acting Secretary of Commerce, transmitting, pursuant to law, a report on the research progress and plans of the U.S. Weather Bureau, for fiscal year 1962 (with an accompanying report); to the Committee on Commerce.

CONSTRUCTION OF CERTAIN ROADWAYS ON CONNECTICUT AVE. NW., WASHINGTON, D.C.

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioners of the District of Columbia to construct service roadways for public parking of motor vehicles on Connecticut Ave. NW. (with an accompanying paper); to the Committee on the District of Columbia.

REPORTS OF DISTRICT OF COLUMBIA ARMORY BOARD

A letter from the Chairman, District of Columbia Armory Board, Washington, D.C., transmitting, pursuant to law, reports of that Board on the District of Columbia National Guard Armory and the District of Columbia Stadium, including financial statements, for the fiscal year ended June 30, 1962 (with accompanying reports); to the Committee on the District of Columbia.

REPORTS AND RECOMMENDATIONS OF NATO PARLIAMENTARIANS' CONFERENCE

A letter from the President, NATO Parliamentarians' Conference, Paris, France, transmitting a copy of the reports and recommendations adopted by that Conference at its eighth annual session (with accompanying papers); to the Committee on Foreign Relations.

REPORT ON DISPOSAL OF FOREIGN EXCESS PROPERTY BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, on the disposal of foreign excess property by that Department, during the calendar year 1962; to the Committee on Government Operations.

REPORT ON REVIEW OF NEED FOR THE NAVY'S MOBILIZATION RESERVE OF COMMERCIAL-TYPE VEHICLES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of the need for the Navy's Mobilization Reserve of commercial-type vehicles, dated January 1963 (with an accompanying report); to the Committee on Government Operations.

REPORT ON REVIEW OF WAREHOUSING OPERATIONS UNDER THE 1959 AND 1960 COTTON PURCHASE PROGRAMS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of warehousing operations under the 1959 and 1960 cotton purchase programs, Commodity Credit Corporation, Department of Agriculture, dated January 1963 (with an accompanying report); to the Committee on Government Operations.

REPORT ON REVIEW OF UNECONOMICAL PROCUREMENT OF CERTAIN AIRCRAFT ENGINE BEARINGS BY THE DEPARTMENT OF THE NAVY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of uneconomical procurement of certain aircraft engine bearings by the Department of the Navy, dated January 1963 (with an accompanying report); to the Committee on Government Operations.

REPORT OF ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

A letter from the Chairman, Advisory Commission on Intergovernmental Relations, Washington, D.C., transmitting, pursuant to law, a report of that Commission, dated January 31, 1963 (with an accompanying report); to the Committee on Government Operations.

PROCUREMENT OF PROPERTY AND NONPERSONAL SERVICES BY EXECUTIVE AGENCIES

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949, to make title III thereof directly applicable to procurement of property and nonpersonal services by executive agencies, and for other purposes (with accompanying papers); to the Committee on Government Operations.

REVISION OF BOUNDARY OF DINOSAUR NATIONAL MONUMENT, UTAH

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to revise the boundary of Dinosaur National Monument, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

ELIMINATION OF CERTAIN LAND FROM GUILFORD COURTHOUSE NATIONAL MILITARY PARK, N.C.

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the elimination of 8.50 acres of land from Guilford Courthouse National Military Park, N.C., and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

DONATION OF LAND IN NORTH CAROLINA FOR CONSTRUCTION OF ENTRANCE ROAD AT GREAT SMOKY MOUNTAINS NATIONAL PARK

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the acceptance of donations of land in the State of North Carolina for the construction of an entrance road at Great Smoky Mountains National Park, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

ACQUISITION OF CERTAIN LAND IN STATE OF VIRGINIA

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to acquire through exchange the Great Falls property in the State of Virginia for administration in connection with the George Washington Memorial Parkway, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

AMENDMENT OF SECTION 4204, TITLE 18, UNITED STATES CODE, RELATING TO CONDITIONAL RELEASE OF CERTAIN PRISONERS

A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 4204 of title 18, United States Code, relating to the conditional release of prisoners who are aliens subject to deportation (with an accompanying paper); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Six letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter 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.

ADJUSTMENT OF STATUS OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a list of certain aliens, with the request that their cases be adjusted to that of lawful permanent residents of the United States (with accompanying papers); to the Committee on the Judiciary.

REPORT OF DEPARTMENT OF LABOR UNDER FAIR LABOR STANDARDS ACT

A letter from the Secretary of Labor, transmitting, pursuant to law, a report of that Department relating to the Fair Labor Standards Act (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT ON ESTIMATED AMOUNT OF LOSSES INCURRED BY THE POSTAL ESTABLISHMENT IN THE PERFORMANCE OF PUBLIC SERVICES

A letter from the Postmaster General, reporting, pursuant to law, on estimated amount of losses incurred by the Postal Establishment in the performance of public services, for the fiscal year ended June 30, 1963; to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

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

"SENATE JOINT MEMORIAL 2

"To the Honorable Senate and House of Representatives of the United States in Congress assembled:

"We, your memorialists, the Legislature of the State of Idaho, respectfully represent that:

"Whereas the U.S. Congress by a series of amendments to the Social Security Act during the period 1956–60, has extended and broadened the Social Security Act to provide disability benefits for work-connected injuries and illnesses; and

"Whereas there have been and are numerous proposals for further extensions of coverage and benefits under the Social Security Act which would greatly increase social security taxes and encumber the social security program; and

"Whereas the extension and broadening by Congress of the Social Security Act, constitute a severe threat to the survival of the State workmen's compensation system; and

"Whereas the workmen's compensation system was designed as the sole and exclusive remedy to provide benefits for the work-connected injuries and illnesses: Now, therefore, be it

"Resolved by the 37th session of the Legislature of the State of Idaho, now in session (the Senate and House of Representatives concurring), That we respectfully urge the Congress of the United States to resist further expansion of social security into the occupational disability field, and by this resolution Congress be urged to reject any further intrusion of social security into the workmen's compensation field to the end that the present system of workmen's compensation programs may be preserved; and be it further

"Resolved, That the secretary of state of the State of Idaho be, and he hereby is, authorized and directed to forward certified copies of this memorial to the President and Vice President of the United States, the Speaker of the House of Representatives of the Congress, and to the Senators and Representatives representing this State in the Congress of the United States.

"Adopted by the senate on the 17th day of January 1963.

"W. E. DREYLOW,
"President of the Senate.

"Adopted by the house of representatives on the 21st day of January 1963.

"PETE T. CENARRUSA,
"Speaker of the House of Representatives."

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a telegram in the nature of a memorial, signed by John Wick, of Duluth, Minn., remonstrating against the confirmation of the nomination of John Green, of Superior, to be collector of customs; which was referred to the Committee on Finance.

By Mr. MECHEM:

A resolution of the House of Representatives of the State of New Mexico; to the Committee on Finance:

"HOUSE MEMORIAL 1

"Memorial to the Congress and President of the United States asking them to put the lumber industry of the United States on an equitable basis with foreign industry

"Whereas there is no shortage of timber for the production of lumber and related items in the United States; and

"Whereas there is a need to increase the cut from overmature forests to prevent excessive loss from decay, disease and other causes; and

"Whereas U.S. lumber manufacturing firms pay the highest wages and provide working conditions equal to or better than similar firms in other countries; and

"Whereas lumber manufacturing firms in the United States are losing their home markets to foreign firms, especially Canada, due to advantages such as depreciated currency, low stumpage rates, noncompetitive bidding, less costly and restrictive forest practices, lower wage rates, high tariff rates on lumber shipped to Canada, lower charter rates for coastal and intercoastal shipping, and cooperative government; and

"Whereas lumber imports from Canada are increasing yearly at an alarming rate and now constitute about one-sixth of the annual consumption of lumber in the United States; and

"Whereas unemployment in the lumber industry of the United States is increasing with resultant loss of wages to the workers, loss of taxes and income to taxing bodies and communities: Now, therefore, be it

"Resolved by the Legislature of the State of New Mexico, That the Congress and President of the United States are respectfully petitioned to give immediate attention to, and request action necessary, to place the lumber industry of the United States on an equitable and competitive basis with foreign manufacturers through the use of a quota system or other means, including the requirement that imported lumber be marked to show the country of origin, to the end that domestic manufacturers are not placed at a disadvantage with resultant loss of markets, reduction of employment, loss of taxes and deterioration of communities; and be it further

"Resolved, That copies of this memorial be transmitted to the President and Vice President of the United States, the Speaker of the House of Representatives, and to the New Mexico delegation to the Congress of the United States.

"Signed and sealed at the capitol in the city of Santa Fe.

"BRUCE KING,
"Speaker, House of Representatives.
"ALBERT ROMER,
"Chief Clerk, House of Representatives."

REPORTS OF COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. JOHNSTON, from the Committee on Post Office and Civil Service, reported favorably, without amendment, the resolution (S. Res. 18) authorizing the Committee on Post Office and Civil Service to investigate the postal service and the civil service system, and submitted a report (No. 6) thereon; which report was ordered to be printed, and the resolution, under the rule, was referred to the Committee on Rules and Administration.

Mr. JOHNSTON, from the Committee on Post Office and Civil Service, reported favorably, without amendment, the resolution (S. Res. 20) authorizing the Committee on Post Office and Civil Service to employ additional clerical assistance, and submitted a report (No. 7) thereon; which report was ordered to be printed, and the resolution, under the rule, was referred to the Committee on Rules and Administration.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. DOUGLAS (for himself, Mr. GRUENING, Mr. MCCARTHY, Mrs. NEUBERGER, Mr. HUMPHREY, Mr. MOSS, Mr. YARBOROUGH, Mr. BURDICK, Mr. INOUYE, Mr. PELL, Mr. MCGOVERN, Mr. YOUNG of Ohio, Mr. NELSON, Mr. WILLIAMS of New Jersey, Mr. CLARK, Mr. PROXMIRE, Mr. BARTLETT, and Mr. DODD):

S. 650. A bill to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. MANSFIELD:

S. 651. A bill to transfer certain land in the District of Columbia to the Secretary of the Interior for administration as a part of the National Capital parks system, and for other purposes; to the Committee on the District of Columbia.

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

By Mr. YARBOROUGH:

S. 652. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Palmetto Bend reclamation project, Texas, a division of the Texas basins project, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. BIBLE (for himself and Mr. CANNON):

S. 653. A bill to provide an adequate basis for administration of the Lake Mead National Recreation Area, Ariz. and Nev., and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. METCALF (for himself, Mr. ANDERSON, Mr. BAYH, Mr. BEALL, Mr. BENNETT, Mr. BIBLE, Mr. CHURCH, Mr. ENGLE, Mr. KUCHEL, Mr. MANSFIELD, Mr. MONRONEY, Mr. MORSE, Mr. MOSS, and Mr. RANDOLPH):

S. 654. A bill to authorize the Secretary of the Army to reimburse certain cities in the United States for expenses incurred by such cities in the construction of streets, sidewalks, and other public improvements adjacent to U.S. Army Reserve installations situated in such cities; to the Committee on the Judiciary.

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

By Mr. BENNETT:

S. 655. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Dixie project, Utah, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SALTONSTALL:

S. 656. A bill to promote public knowledge of progress and achievement in astronautics and related sciences through the designation of a special day in honor of Dr. Robert Hutchings Goddard, the father of modern rockets, missiles, and astronautics; to the Committee on the Judiciary.

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

By Mr. DIRKSEN:

S. 657. A bill for the relief of Dr. Mohammed Adham; to the Committee on the Judiciary.

By Mr. ENGLE (for himself and Mr. YARBOROUGH):

S. 658. A bill to equalize the pay of retired members of the uniformed services; to the Committee on Armed Services.

Br. Mr. MECHEM:

S. 659. A bill for the relief of Ahmad Farshtchi; to the Committee on the Judiciary.

By Mr. BIBLE:

S. 660. A bill for the relief of Daniel Sheahan; to the Committee on the Judiciary.

By Mr. GRUENING (by request):

S. 661. A bill to amend the act known as the Life Insurance Act of the District of Columbia, approved June 19, 1934, and the act known as the Fire and Casualty Act of the District of Columbia, approved October 3, 1940; to the Committee on the District of Columbia.

By Mr. MAGNUSON:

S. 662. A bill to amend title 23 of the United States Code, relating to highways, in order to authorize certain use of the rights-of-way of the National System of Interstate and Defense Highways for passenger rail transit systems in metropolitan areas; to the Committee on Public Works.

By Mr. PROXMIRE:

S. 663. A bill to amend title II of the Social Security Act to lower from 62 to 60 the age at which benefits thereunder may be paid, with appropriate actuarial reductions made in the amounts of such benefits; to the Committee on Finance.

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

By Mr. CARLSON:

S. 664. A bill to amend the Civil Service Retirement Act to increase to 2½ percent the multiplication factor for determining annuities for certain Federal employees engaged in hazardous duties; to the Committee on Post Office and Civil Service.

By Mr. DOMINICK:

S. 665. A bill for the relief of Sgt. and Mrs. Kenneth S. Sollars; to the Committee on the Judiciary.

By Mr. DODD (for himself and Mr. COOPER):

S. 666. A bill to further secure and protect the rights of citizens to vote in Federal elections; to the Committee on the Judiciary.

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

By Mr. DODD:

S. 667. A bill for the relief of Francis Zerjav;

S. 668. A bill for the relief of Rosa Gianna Antonini; and

S. 669. A bill for the relief of Vincenzo DeLucia and Angela DeLucia; to the Committee on the Judiciary.

By Mr. SCOTT:

S. 670. A bill for the relief of Patrick Anthony Linnane; to the Committee on the Judiciary.

By Mr. HAYDEN:

S. 671. A bill for the relief of Mirhan Gazarian; to the Committee on the Judiciary.

By Mr. STENNIS (for himself and Mr. EASTLAND):

S. 672. A bill to authorize the Administrator of Veterans' Affairs to convey to the city of Jackson, Miss., certain lands situated in such city which have been declared surplus to the needs of the Veterans' Administration; to the Committee on Government Operations.

By Mr. BEALL (for himself and Mr. BREWSTER):

S. 673. A bill to provide for the conveyance of certain real property of the United States to the State of Maryland; to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON (by request):

S. 674. A bill to amend paragraph (10) of section 5 of the Interstate Commerce Act so as to change the basis for determining whether a proposed unification or acquisition of control comes within the exemption provided for by such paragraph;

S. 675. A bill to amend section 19a of the Interstate Commerce Act to eliminate certain valuation requirements, and for other purposes;

S. 676. A bill to authorize the Interstate Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between motor common carriers of property, and between such carriers and common carriers by rail, express, and water, and for other purposes;

S. 677. A bill to amend sections 203(b)(5) and 402(c) of the Interstate Commerce Act to provide for the issuance of certificates of exemption upon application and proof of eligibility, and for other purposes;

S. 678. A bill to amend the Interstate Commerce Act in order to provide civil liability for violations of such Act by common carriers by motor vehicle and freight forwarders;

S. 679. A bill to amend section 204(a)(3) of the Interstate Commerce Act respecting motor carrier safety regulations applicable to private carriers of property;

S. 680. A bill to amend section 212(a) of the Interstate Commerce Act, as amended, and for other purposes;

S. 681. A bill to amend section 222(b) of the Interstate Commerce Act with respect to the service of process in enforcement proceedings, and for other purposes;

S. 682. A bill to make the civil forfeiture provisions of section 222(h) of the Interstate Commerce Act applicable to unlawful operations and safety violations by motor carriers, and for other purposes;

S. 683. A bill to amend the Interstate Commerce Act so as to authorize the Interstate Commerce Commission, under certain circumstances, to deny, revoke, or suspend operating authority granted under part II of the act, or to order divestiture of interest, and for other purposes;

S. 684. A bill to clarify certain provisions of part IV of the Interstate Commerce Act and to place transactions involving unifications or acquisitions of control of freight forwarders under the provisions of section 5 of the act; and

S. 685. A bill to amend the Interstate Commerce Act and certain supplementary and related acts with respect to the requirement of an oath for certain reports, applications, and complaints filed with the Interstate Commerce Commission; to the Committee on Commerce.

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

By Mr. MAGNUSON (for himself and Mr. JACKSON):

S.J. Res. 34. Joint resolution to establish the Public Lands Management Study Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

INDIANA DUNES NATIONAL LAKESHORE

Mr. DOUGLAS. Mr. President, I introduce, for appropriate reference, a bill to provide for the establishment of the Indiana Dunes National Lakeshore. I introduce this bill for myself and for Senators GRUENING, MCCARTHY, NEUBERGER, HUMPHREY, MOSS, YARBOROUGH, BURDICK, INOUYE, PELL, MCGOVERN, YOUNG of Ohio, NELSON, WILLIAMS of New Jersey, CLARK, PROXMIRE, BARTLETT, and DODD.

Mr. President, the long fight to rescue the remaining unspoiled sections of the Indiana Dunes from destruction and to preserve them as a national park is a subject with which I believe most of my colleagues are familiar. I am happy to be able to report that although the dunes have never been in greater or more immediate peril, the opportunity has never been more hopeful for rescuing them. The expression of increased Senate support for this effort shown by the increase in cosponsors is in keeping with the nationwide and worldwide interest which has built up over this issue.

WHAT THE BILL PROVIDES

This bill is exactly the same Indiana Dunes National Lakeshore bill which I introduced as amendments in the nature of a substitute to S. 1797 on August 28, 1961. This is the same bill on which the Senate Interior Subcommittee on Public Lands held hearings on February 26, 27, and 28 of last year. This is the same bill which was and is strongly endorsed by the National Park Service and the Department of the Interior, and which received a favorable report from the Bureau of the Budget on March 19, 1962.

In brief, this bill will authorize the Secretary of the Interior to create a national lakeshore park in northern Indiana of 9,000 acres, preserving the remaining unspoiled dunes areas, nature areas, and beaches, along with supporting lands. It would preserve 5.39 total miles of shoreline, of which 4.09 miles is natural shoreline and 1.3 miles is shoreline fronting on existing, but sparse, residential or recreational development. These 9,000 acres and 5.39 miles of shoreline would be in addition to the existing Indiana Dunes State Park of 2,180 acres and 3.3 miles of shoreline.

The bill describes the areas the Secretary would be authorized to acquire in terms of five numbered units in Porter County, Ind., four of which border on the Lake. Unit No. 5 stretches along south of the Chicago, South Shore, and South Bend railroad tracks, and connects all the units touching the Lake. The general plan of development is to have mass bathing beaches at three points: in the westernmost section, unit No. 3; near Porter Beach in the east-central section, unit No. 1; and in the easternmost section, unit No. 4; at Beverly Shores, but to keep most of unit No. 2 in a natural and undeveloped condition as a nature area and scientific preserve. Unit No. 5 will provide supporting lands for camping, picnicking, canoeing, fishing, hiking, horseback riding and other sports. There will also be provisions for small boat harbors with access to the Lake.

The reason for the park lands being in sections, of course, is because of the industrial and residential development which at some spots has crept in and either destroyed the recreational and scientific values or made acquisition costs too high. But it should be clearly understood that this bill describes areas which at this moment are, with the exception of probably 200 acres, unspoiled sections in their natural state or sections otherwise fully adaptable to national park usage. The National Park Service has gone into this very carefully and it reports unequivocally that the lands described in this bill are good lands of high recreational and scientific value.

ALL AREAS DESCRIBED IN THE BILL ARE OF HIGH SCIENTIFIC OR RECREATION VALUE

Mr. President, there has been a strong effort on the part of opponents of the bill to create the impression that "nothing of value exists anymore in the dunes, so why bother to save them?" There have also been attempts to wantonly destroy parts of the still unspoiled dunes in order to augment this propaganda about the dunes having already disappeared.

The facts are, I repeat, that as of this moment nearly all of the lands described in the bill retain fully their scientific and recreational values. National Park Service experts have made field inspections and have made this report. I made a tour of the area in November in the company of northern Indiana labor and business leaders. Several Members of the Senate, the Secretary of the Interior, and the Director of the National Park Service, along with others, toured the dunes a little over a year ago. I have in my hand a report I have just received from a vice president of the Save the Dunes Council who last week made a tour of the dunes by skis. With respect to unit No. 2, the central and crucial area for the park, he reports that bulldozer operations affecting the area described in the bill have stopped and have extended only to stripping vegetation from the dunes surrounding Goose or Mud Lake, covering a maximum area of 200 acres. An access road also is under construction at the east end of unit No. 2 near U.S. Highway 12.

The bulldozers are poised, Mr. President, but the Dunes still remain and can be rescued.

RIGHTS OF PROPERTY OWNERS PROTECTED

In keeping with the policies the National Park Service has established in connection with acquiring land for other parks, this bill provides owners of improved property in the proposed dunes lakeshore with liberal alternatives. Owners will have three ways of cooperating with the establishment of the park. First, an owner may choose to retain ownership permanently, providing he abides by zoning regulations established by Porter County and approved by the Secretary of the Interior. Second, an owner may choose to sell his property to the Department of the Interior for fair market value and retain the right of use and occupancy, transferable, for 25 years. Or third, an owner may sell his property outright to the Department of the Interior.

The bill also provides for establishment of an Indiana Dunes National Lakeshore Advisory Commission which would advise the Secretary of the Interior on lakeshore matters. Law enforcement within the lakeshore would follow the established policies of the

National Park Service as administered by a U.S. commissioner, but the State and its political subdivisions would retain full civil and criminal jurisdiction over the lands within the lakeshore.

I have asked the National Park Service to keep me informed as to the cost of this proposal, and on December 6, 1962, I received a report of a staff appraisal which set a preliminary estimate of between $13 and $16 million as the total value of the privately owned land in the project area.

Mr. President, I ask unanimous consent that the following documents pertaining to the provisions of the bill be printed in the RECORD following my remarks:

As exhibit 1, a statement prepared at my request by the National Park Service in September 1961, entitled "Questions and Answers Concerning the Proposed Indiana Dunes National Lakeshore."

As exhibit 2, a letter dated February 23, 1962, from the Secretary of the Interior to Senator CLINTON ANDERSON, chairman of the Senate Interior Committee, officially endorsing this bill.

As exhibit 3, a letter to Senator ANDERSON dated March 16, 1962, from Mr. Max N. Edwards, Assistant to the Secretary and Legislative Counsel, Department of the Interior, describing the amount of shoreline encompassed by this bill in comparison with S. 2317, a bill introduced by Senator HARTKE.

As exhibit 4, a letter to Senator ANDERSON dated March 19, 1962, from Mr. Phillip S. Hughes, Assistant Director for Legislative Reference, Bureau of the Budget, stating that the Bureau concurs in the report of the Secretary of the Interior on this bill and that the bill would be in accord with the program of the President.

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

EXHIBIT 1

QUESTIONS AND ANSWERS CONCERNING THE PROPOSED INDIANA DUNES NATIONAL LAKESHORE

On August 28, Senator PAUL DOUGLAS introduced an amendment to S. 1797, introduced originally on May 3 "To provide for the preservation of the Indiana Dunes and related areas in the State of Indiana, and for other purposes." The amended bill proposes to preserve in public ownership as a national lakeshore representative portions of the Indiana Dunes and other areas of scientific interest and of public recreational values on or near the shores of Lake Michigan. To accomplish this purpose the substitute bill would authorize the Secretary of the Interior to acquire, by purchase, donation or other means not to exceed 9,000 acres in five defined units between Lake Michigan and U.S. Highway 20 in Porter County, Ind.

These proposals have prompted many pertinent questions—What is a national lakeshore? How would the land be acquired? Could property owners continue to enjoy their homes? Because a national lakeshore, if established, would be preserved and managed in accordance with standards and policies of the national park system, we have prepared answers to these and many other such important questions.

The answers are based on the general and specific laws and policies established by the Congress for the administration of the areas of the national park system. They are based also on the experiences and practices of the National Park Service in similar instances over the years. More specific answers will depend on the nature and provisions of whatever legislation the Congress may enact.

Although the answers necessarily cannot constitute an advance commitment by the Federal Government regarding proposed legislation, they are meant to be as helpful, specific and informative as the circumstances permit.

Question. What is a national lakeshore?

Answer. At present, there are no national lakeshores. However, a national lakeshore is suggested as being similar to a national seashore, a spacious area selected, developed, and administered for the preservation and public use of nationally significant scenic, scientific, and other recreation values along the coast, including the Great Lakes. Basically, a national lakeshore or national seashore is the same as a national recreation area, but with particular emphasis on the preservation of outstanding shoreline scenery and environment. Such an area is capable of sustaining, in part at least, certain active recreation activities which would be inappropriate in a national park or national monument.

Question. Why is a national lakeshore at Indiana Dunes suggested?

Answer. Eminent scientists from all over the world have long acclaimed the Indiana Dunes as an outstanding outdoor laboratory for the geologist, the biologist, and the botanist. Nowhere else in our country are the forces of dune formation and stabilization more dramatically displayed. The area is also notable as the meeting place and limit of range for plants typical of more northerly, southerly, easterly, and westerly latitudes and longitudes. The variety of animal life is likewise renowned. These qualities plus the outstanding scenic and other recreation values were of national park caliber 45 years ago when the area was first recommended for such status by Stephen Mather, the first Director of the National Park Service. At that time, the recommended area consisted of a 25-mile strip of uninhabited, tree-covered dunes, marshes, and clean beaches stretching continuously along the south shore of Lake Michigan from East Chicago to Michigan City, Ind. The desired public action was thwarted by lack of public information about the area and by our involvement in World War I. In the meantime, industrial and residential development took place in the area destroying much of the natural scene.

Today, only scattered segments of undeveloped beaches, dunes, and marshes remain. However, preservation of the remaining natural features is still important. This importance is based on the value of preserving the features of scientific interest and also on the vital need for additional recreation space to serve nearly 7 million people within a radius of 50 miles.

Question. How large would the national lakeshore be?

Answer. It would not exceed 9,000 acres. A recommended boundary marks exterior limits within which lands and waters may be donated, transferred, or otherwise acquired for national lakeshore purposes, if the proposal is approved and the Congress so authorizes.

Question. What lands would be included and where are they?

Answer. The attached map [not printed in RECORD] shows with stippled pattern the units 1 to 5 described in S. 1797.

Question. How is a national lakeshore established?

Answer. It requires an authorizing act of Congress. Senators and/or Congressmen support a plan and introduce a bill or bills in the Congress. The appropriate committees of Congress seek the views, recommendations and advice of the public, request the recommendations of the Department of the Interior and other agencies that may be concerned. This is to aid the committees in deciding whether, and under what conditions, the public interest would best be served by the proposed legislation. If the bill is passed by both the Senate and the House of Representatives, it becomes law upon approval by the President. When so authorized, appropriations may then be requested of Congress for land acquisition, administration, and development purposes.

Question. If the national lakeshore is authorized, under what procedures would the private lands and dwellings be acquired?

Answer. As funds are available, acquisition of private lands is ordinarily and customarily conducted by direct negotiation with the individual property owners based on current fair market value appraisals by qualified non-Federal appraisers.

Every reasonable effort is made to reach amicable agreements with owners for the acquisition of their properties. While the Federal Government generally has authority to acquire lands within an authorized Federal area by eminent domain if necessary, it is a longstanding policy of the National Park Service to resort to condemnation only in those instances where such action is necessary to provide a definitely needed public facility, to insure proper title, or to prevent adverse types of development.

Question. Would homeowners residing in the national lakeshore be permitted to remain on a lifetime lease or other basis?

Answer. Yes. S. 1797 provides that if suitable zoning bylaws are adopted and in effect, ownership and occupancy may continue indefinitely. If the owners wish to sell to the Federal Government, the bill provides that such owners may, as a condition to such acquisition by the Secretary of the Interior, retain the right of use and occupancy of the improved property for noncommercial residential purposes for a term of 25 years, or for such lesser time as the owner may elect. The owner would be paid the fair market value of the property, less the fair market value of the right retained by the owner.

Question. What kinds of facilities would be provided by the Government in the proposed national lakeshore?

Answer. Since the primary purpose of a national lakeshore should be the preservation of its natural qualities for appropriate public use and enjoyment, the facilities provided should be consistent with the conservation objective and should be only those essential to public enjoyment and protection of the area. Facilities and developments for unrelated activities, which can be performed just as well elsewhere, need not be provided within the national lakeshore.

It is anticipated that, if S. 1797 is enacted, the natural environment within units 1 and 2 would be preserved with development limited to trail access through the dunes and marshes. Elsewhere within the areas designated by S. 1797, important natural features also would be preserved in conjunction with provision for other recreation activities such as swimming, picknicking, and camping.

There is an evident need for additional space and facilities along the south shore of Lake Michigan to meet the growing demand for water-oriented recreation. To meet this need and at the same time to preserve the important remaining natural areas, including the Indiana Dunes State Park, Senator DOUGLAS' bill provides for the acquisition of units 3 and 4—relatively undeveloped lands where the natural features have already been disturbed. Within these two units the emphasis would be placed on providing for beach access with associated parking areas, bathing, picnicking, and boating facilities. Selected areas south of the Chicago, South Shore & South Bend Railroad might also be developed for picnicking, camping, hiking, and other appropriate recreation activities compatible with the environment. The exact amount and location

of such development can be determined only by detailed planning studies, which will be done if establishment of the area is authorized.

Question. How would a national lakeshore benefit northern Indiana economically?

Answer. The National Park Service has not made a study of the potential economic impact of Senator DOUGLAS' proposal on the general locality. However, experience gained over the years has shown that establishment and development of national parks and related areas results in increased demand for hotels, restaurants, motels, gasoline stations, stores, and other facilities and services, thus providing opportunities for local investment and employment. For instance, when Grand Teton National Park was established in 1929, local bank deposits at Jackson, Wyo., totaled $395,000. In 1959 local bank deposits at Jackson totaled approximately $4,500,000. Cody, Wyo., a gateway to both Yellowstone and Grand Teton, also has had an increase in tourist facilities such as motels, gasoline stations, and restaurants and has now reached a point where it is primarily dependent on recreation trade.

Following the establishment of Cape Hatteras National Seashore, the volume of business from the tourist trade almost doubled within a 6-year period in the vicinity adjacent to the national seashore.

An economic study of the proposed Point Reyes National Seashore, located 35 miles from San Francisco, Calif., estimated that the national seashore would receive at least 2.1 million days of visitor use annually by 1980. Assuming that sufficient campgrounds were provided within the national seashore and that ample overnight accommodations were developed by private investment outside the boundaries, it was estimated that overnight, weekend, and vacation use could account for at least 250,000 additional visitors by 1980. Because the relationship of the Indiana Dunes to Chicago is comparable to the relationship of Point Reyes to the nine-county bay area around San Francisco, it appears reasonable to expect similar effects on the northern Indiana tourist potential.

Question. What type of zoning regulations would be in effect?

Answer. It is intended that such zoning bylaws should contribute to the effect of prohibiting the commercial and industrial use of the area, other than such commercial use as the Secretary of the Interior may approve for public services, etc., when this use would not be inconsistent with the purpose of the act.

Question. What does the term "improved property" as used in S. 1797 mean?

Answer. A detached, one-family dwelling, construction of which was begun before April 20, 1961, together with so much of the land on which the dwelling is situated, the land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the lands so designated. The amount of the land so designated shall in every case be at least 3 acres, or all of such lesser acreage as may be held in the same ownership as the dwelling.

Question. How will existing farms be affected if included within the authorized boundary?

Answer. Where farming has been in practice over the years as a means of livelihood and does not defeat or seriously impair the major conservation purposes of the preserve, such farms could be permitted to continue operation in private ownership or on a lease basis.

Question. How would existing commercial establishments located within the authorized boundaries be affected?

Answer. It is expected that commercial establishments which serve visitors to the proposed park and are compatible with the conservation and public use of the area, will continue to operate. If the owners of such establishments should sell their property to the Government and they should wish to continue to operate the facilities under long-term lease or concession contract, it is reasonable to assume that such arrangement could be satisfactorily accomplished.

Question. What provisions would be made by the National Park Service for meals, lodging, and related services?

Answer. The National Park Service would not provide motels, restaurants, and related facilities and services within the proposed area. These services can best be provided by private enterprise.

Question. Would private landowners within the authorized area be assured of continued access to their properties?

Answer. Yes.

Question. What will become of existing schools, churches?

Answer. The continuance of churches located within the boundaries of a national seashore area generally are compatible with the objectives of the area. The pending bill provides that any property or interest therein, owned by the State of Indiana or any political subdivision thereof, may be acquired only with the concurrence of such owner. Under this provision any schools within the proposed boundaries would continue.

Question. Would the use of beach buggies be permitted?

Answer. No.

Question. Will local residents be kept informed about developments within the national lakeshore?

Answer. An advisory commission is proposed in the Indiana Dunes bill which would consist of seven members. Four members would be appointed from recommendations made by Lake and Porter Counties, two members would be appointed from recommendations made by the Governor of Indiana, and one member would be designated by the Secretary of the Interior. The Secretary or his representative would consult from time to time with the commission on matters relating to the development of the Indiana Dunes National Lakeshore.

Question. Will roads within the proposed area be maintained by a responsible agency?

Answer. State highways within areas of the national park system normally are retained by the State. County roads required for transient and commercial use are usually retained by the county. However, as the area develops, some of the present minor roads might become unnecessary. All roads used primarily for national lakeshore access and circulation would be built or improved and maintained by the National Park Service.

Question. Will there be an entrance fee?

Answer. No such fees are anticipated.

Question. Can residents continue to prevent trespassing on the immediate area around their homes?

Answer. Yes. Also, holders of a possessory interest in land within a park area may continue to prevent trespassing on their property as freely as if they owned the property in fee simple.

Question. Would the total land needed for maximum lakeshore area development be acquired at one time?

Answer. It is unlikely that sufficient funds would be made available for acquisition of the entire proposed national lakeshore at once. Therefore, acquisition would be concentrated on key undeveloped properties in the interest of preserving the most important or endangered natural values, and of obtaining land most immediately useful for public use.

Question. If the Indiana Dunes National Lakeshore is authorized by Congress, what happens in the interval before acquisition funds can be provided?

Answer. The National Park Service would prepare a detailed master plan for development and use of the area on which to base a precise boundary.

Question. Assuming the establishment of the Indiana Dunes National Lakeshore, how long would it take to develop its full potential?

Answer. Progress in development would be dependent upon the rate of annual appropriations by the Congress. The normal procedure would be for the Service to prepare master plans and working plans for a 10-year development schedule.

Question. Has any date been set beyond which those who build in the area would not receive the same purchase contract guarantees as those who owned property prior to the set date?

Answer. We think it is logical, and in the public interest, that there should be some cutoff date beyond which new developments would not be encouraged. That date is set in the bill as April 20, 1961. Without such a deterrent, the ultimate objective of preserving the area for public use and enjoyment might be defeated by speculative developments.

EXHIBIT 2

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 23, 1962.

Senator CLINTON P. ANDERSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ANDERSON: Your committee has requested a report on S. 1797, a bill to provide for the preservation of the Indiana Dunes and related areas in the State of Indiana, and for other purposes, and S. 2317, a bill to authorize the establishment of the Indiana Dunes National Monument. Since then amendments to S. 1797 in the nature of a substitute have been proposed by the author of the bill.

We heartily endorse the purposes of S. 1797 (the proposed substitute), which would establish the Indiana Dunes National Lakeshore. We believe that legislation along these lines should provide for the inclusion of the maximum acreage that is practical from the standpoint of preserving the unique and outstanding recreational and scenic values in this area. There are conflicting views concerning the highest and best use to which some segments of the Indiana Dunes area should be put. The committee hearings will no doubt unfold a wealth of information regarding these views, and we shall be glad to cooperate in reviewing and commenting upon any data that the committee might submit to us. It is our hope, however, that upon completion of the hearings, legislation will be promptly enacted to preserve as much as possible of this vanishing shoreline.

S. 1797 (the proposed substitute) and S. 2317 are designed to achieve the same basic objective: preservation of representative portions of the Indiana Dunes for the educational and recreational use of the public. There are, however, these major differences:

1. With respect to the acreage for the lakeshore (or seashore), S. 1797 (the proposed substitute) provides for a larger area than S. 2317.

2. In S. 1797 (the proposed substitute), there are conditions under which the lands for the lakeshore may be acquired and restrictions on the condemnation process. Lands owned by the State, or any political subdivision thereof, may be acquired only with the concurrence of the owners. The owners of improved property (a detached one-family dwelling the construction of which was begun before April 20, 1961) may elect to retain not to exceed 3 acres of their improved property for noncommercial residential purposes for a term of 25 years. The bill also suspends, for 1 year, the Secretary's authority to condemn such improved

property; thereafter, the suspension on the Secretary's condemnation authority with respect to the improved property continues so long as a Porter County zoning bylaw, approved by the Secretary is in force. S. 2317 does not have such provisions.

3. S. 1797 (the proposed substitute) establishes an Advisory Commission to consult with the Secretary on development of the lakeshore and matters relating to zoning. There are no such provisions in S. 2317.

In 1916, Stephen Mather, the first Director of the National Park Service, recommended establishment of an Indiana Dunes National Park. At that time, the recommended area consisted of a 25-mile strip of uninhabited, tree-covered dunes, marshes, and clean beaches, stretching continuously along the south shore of Lake Michigan from East Chicago to Michigan City, Ind. The desired public action was thwarted by lack of public information about the area and by our involvement in World War I. In the meantime, industrial and residential development took place in the area; as a consequence, much of the natural scene has been destroyed. However, there still remain, within 50 miles of about 6 million people, about 9,000 acres of relatively unspoiled, natural shoreline and wooded dunes, which merit preservation in public ownership.

Preservation of these remaining natural features is important not only because of their great scientific value and interest but because of the vital need for additional recreation space to serve the densely populated Chicago and northern Indiana metropolitan area. The area contains a combination of lakefront, dunes, and hinterland that is ideally suited to meet some of the recreational and open space needs for the people of this region. Moreover, its scenic and scientific features would attract people from all over the country.

One of the significant aspects of this area concerns its geologic history. Following the recessions of the last Wisconsin ice lobes, barrier dunes were built by wave action parallel to the shoreline of the receding edge of glacial Lake Chicago. When the water of Lake Chicago fell to the level of present-day Lake Michigan, and the waterline became stable, the main series of wind-built dunes were formed. These are much higher than the older barrier dunes and are characterized by their jumbled topography.

This area's recreational value is readily apparent. Because of the lower latitude and shallow depth, the waters along this portion of Indiana shoreline are the warmest in Lake Michigan. During the latter part of June, the water temperature rises above 60° F. and stays above that point until late September. The wide beaches are composed, in large part, of clean, fine, white, hardpacked sand derived from the famous Indiana sand dunes. An important feature of the beach is that it is constantly being augmented and widened by the addition of water-transported sand from eroding shorelines in nearby Michigan, Illinois, and Wisconsin.

Our most recent estimate of the cost of land acquisition under S. 1797 (the proposed substitute) is $8 million, assuming that the Secretary's power to condemn residential properties remains suspended. This and other costs, together with our estimate of required manpower, are detailed in the enclosed costs and man-years statement submitted in accordance with the act of July 25, 1956 (70 Stat. 652; 5 U.S.C. 642a). At this time, we do not have an estimate of cost of land acquisition under S. 2317.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

EXHIBIT 3

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 6, 1962.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: During the course of the February 27 hearings on S. 1797 (DOUGLAS) and S. 2317 (HARTKE) the Public Lands Subcommittee requested that we submit a comparison of Indiana's Lake Michigan shoreline encompassed by the two proposals.

On the basis of shoreline mileage per se, S. 1797 encompasses approximately 5.39 miles and S. 2317 encompasses 10.72 miles of Lake Michigan shoreline in Porter County, Ind.

However, Senator DOUGLAS' proposal would preserve about 4 miles of remaining natural shoreline outside of the existing Indiana Dunes State Park. Senator HARTKE's bill would preserve only about 2½ miles of natural shoreline in addition to that in the existing State park. A breakdown of the types of shoreline encompassed by S. 1797 and S. 2317 follows:

[In miles]

	S. 1797	S. 2317
Total shoreline	5.39	10.72
Shoreline fronting on existing development:		
Dune acres	.7	1.6
Porter Beach	.2	.4
Beverly Shores	.4	3.0
Subtotal	1.3	5.0

[In miles]

	S. 1797	S. 2317
Natural shoreline	4.09	5.72
Indiana Dunes State Park	----	3.3
Additional shoreline proposed for public preservation	4.09	2.42

Of the 4 miles of natural shoreline in Senator DOUGLAS' proposal, 1.7 miles are within unit No. 2, about .64 mile of which lie within the proposed Burns Waterway harbor site. In our opinion, the beach, dunes, and marshes in unit No. 2 (including those within the proposed harbor site) of Senator DOUGLAS' proposal are the best of the remaining natural resources along the Indiana shoreline.

The enclosed map outlines the areas encompassed by both S. 1797 and S. 2317 and indicates the location of remaining natural shoreline that would be included.

During the course of the hearings it became evident that the subcommittee also desires information on the numbers and types of homes included in the areas described in S. 1797 and S. 2317. Although a specific request to obtain such information was not made by the subcommittee, we have asked the National Park Service to furnish this information to the committee as soon as possible. The data to be obtained will include by unit breakdown the number of seasonal and year-round residences for both S. 1797 and S. 2317. We will submit these data to you as soon as the necessary field study can be completed, we hope by mid-March.

Sincerely yours,

MAX N. EDWARDS,
Assistant to the Secretary, and Legislative Counsel.

EXHIBIT 4

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., March 19, 1962.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Bureau of the Budget on S. 1797, to bill "To provide for the preservation of the Indiana Dunes and related areas in the State of Indiana, and for other purposes," and S. 2317, a bill "To authorize the establishment of the Indiana Dunes National Monument."

The report which the Secretary of the Interior is submitting on these bills describes the significant features of the area proposed for addition to the National Park System and alludes to the fact that there are conflicting views concerning the highest and best use to which some segments of the Indiana Dunes area should be put. The report endorses the purposes of S. 1797 (the proposed substitute) and expresses the belief that legislation along these lines should provide for the inclusion of the maximum acreage that is practical from the standpoint of preserving the unique and outstanding recreational and scenic values. This Bureau concurs in that report.

The President, in his recent message on conservation, urged favorable action on legislation to create a national lakeshore area in northern Indiana. Enactment of legislation for this purpose along the lines of S. 1797 (the proposed substitute) would be in accord with the program of the President.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

TWO TRENDS OFFER HOPE FOR SAVING THE DUNES

Mr. DOUGLAS. Mr. President, the last year has seen the development of two trends which offer hope that this irreplaceable natural treasure of the Midwest can be saved. The first is the strong support for preserving the dunes which now comes from the National Park Service and the Department of the Interior, nearly every national and midwestern conservation organization, many of the leading newspapers and journals of the Nation, prominent scientists from throughout the Western World, national labor unions and the local unions most directly involved, Representative RAY MADDEN of the First District of Indiana, and the nearly unanimous business, civic, labor, and political interests of Lake County, Ind., and from hundreds of thousands of people in Indiana and across the Nation who have written Congress and the President and who have signed petitions.

The second trend has been the increased amount of sunlight brought to bear on the proposed Burns Ditch harbor which would wantonly destroy the dunes.

These two trends are in fact the history of the two sides or parallel parts of the story of the fight to save the dunes. In two speeches this week I shall try to give the Senate an account of both parts of the story, but I do not pretend to be able to give the full story. The tangled web of conspiracy associated with the attempt to get a federally financed harbor built in the midst of the most valuable and unspoiled dunes would defy the combined investigative talents of Perry Mason, James Bond, J. Edgar Hoover, and Senator John L. McClellan. The vast interests involved and the information withheld from the public can only be guessed at. Only last week, for example the Save the Dunes Council in Indiana filed an antisecrecy suit against the secretary of the Indiana Port Commission in an effort to at last secure

secret contracts and other information to which the public is entitled on agreements made between the steel company harbor proponents and the Indiana Port Commission. But little by little we are getting the facts to the public and increasingly the public is rallying to the support of the dunes.

Mr. President, today I shall speak chiefly about part I of the dunes story; namely, the increased support for saving the dunes; in a few days I shall make a detailed analysis of the economic feasibility and political history of the proposed Burns Ditch port.

EFFORT TO SAVE DUNES A HALF CENTURY OLD

Mr. President, since early in this century, many people who love beauty and who want to preserve nature's irreplaceable gifts for posterity have been trying to save the Indiana dunes. These individuals and groups have worked mainly from the Midwest, but have had national memberships and support. They did secure the subscription funds and political support to establish the Indiana Dunes State Park, but the two wars, the materialism of the twenties, and the depression of the thirties put off the work. Twenty-five miles of beautiful beaches and dunes areas, which stretched from Gary to Michigan City, could have been acquired 40 years ago for $3 million, but the chance was lost.

In 1952, a new and vigorous group formed and pledged to continue the effort to save the remaining unspoiled dunes, reduced now by industrial and residential development to about 5½ miles of shoreline and 10,000 acres. This group was the Save the Dunes Council.

The Save the Dunes Council and its supporters worked vigorously to rescue the dunes before they would all be lost to the unplanned and rapid expansion of population and industry. Popular and conservationist support grew, but despite the council's concerted efforts to enlist the leadership of Indiana officials, they were turned down time after time. Only after this unwillingness of Indiana officials to help was clear, in 1958, did the council ask me to help them.

I at first refused, even though I loved the dunes and had lived among them. But I went to the then senior Senator from Indiana and asked him to take the lead in protecting this resource. He refused. Only then did I agree to the council's request to help. As a U.S. Senator, as well as a representative of millions of people in the metropolitan area to whom the dunes are a close-by recreational and scientific treasure, I could not in conscience abandon the dunes to the bulldozers. I introduced legislation to create an Indiana Dunes National Monument and, subsequently, the present bill to create an Indiana Dunes National Lakeshore Park.

WHY THE DUNES MUST BE SAVED

The 1961 report of the Outdoor Recreation Resources Review Commission to President Kennedy sharply states the case for preserving and developing recreation areas like the Indiana Dunes National Lakeshore. It recognizes that our fast-growing population urgently needs more public shoreline areas and particularly requires recreational lands located close by where the people are. The report recommends:

> Highest priority should be given to acquisition of areas located closest to population centers and other areas that are immediately threatened. The need is critical—opportunity to place these areas in public ownership is fading each year as other users encroach.

This prescription, as is increasingly being recognized by the people, the administration, and the Congress—fits the dunes like a glove. They are a wonderland of great natural beauty and fine beaches, and are filled with botanical and ecological values long studied by scientists from throughout the world. And the dunes are within an hour's travel of 7½ million people living in the crowded and emotionally taxing conditions of a vast urban area. This is an area which recent studies have shown to be one of the most deprived in the Nation, with respect to its recreational resources.

Over a century ago Ralph Waldo Emerson wrote:

> To the body and mind which have been cramped by noxious work or company, nature is medicinal and restores their tone. The tradesman, the attorney come out of the din and craft of the street and sees the sky and the woods and is a man again. In their eternal calm, he finds himself. The health of the eye demands a horizon. We are never tired, so long as we see far enough.

With our huge populations of today, Emerson's words of a slowly paced and less crowded century are even more true—ominously true—if one considers the rapid disappearance of medicinal and quiet nature areas.

We cannot abandon a clear opportunity to withhold from the noise and dirt of industry those nearby spots of beauty and fun which refresh body and mind. John Swinnerton Phillimore has, in part, set out our goal in his "In a Meadow." We would provide for the tense millions an opportunity for:

> Dreams without sleep,
> And sleep too clear for dreaming and too deep;
> And quiet very large and manifold
> About me roll'd
> Satiety, that momentary flower,
> Stretch'd to an hour:
> These are her gifts which all mankind may use.
> And all refuse.

WIDESPREAD SUPPORT DEVELOPED FOR SAVING DUNES

Happily, Mr. President, this country has a firm tradition of support for protecting the people's heritage, and recent months have seen the rising up under this tradition of many hands and voices in behalf of the dunes.

President Kennedy, in his conservation message of March 1, 1962, recommended to the Congress the creation of an Indiana Dunes National Lakeshore. And he has appealed in his 1963 state of the Union message for greater public emphasis in obtaining and expanding national parks, recreation areas, wilderness areas and wildlife preservation.

Secretary of the Interior Stewart Udall has been from the beginning a strong dunes supporter and has continued to give hope of effectiveness to all our efforts.

The National Park Service has worked in the field and in Washington to develop sound recommendations and provide the expert investigation and planning needed to provide a foundation for a dunes park.

Nearly every national and midwestern conservation organization is working hard to save the dunes. These include the Izaak Walton League, the Wildlife Management Institute, the National Wildlife Federation, the Wilderness Society, the National Audubon Society, the National Parks Association, the Citizens Committee on Natural Resources, the National Council of State Garden Clubs, the Garden Clubs of America, the Sierra Club, the Prairie Club, the Nature Conservancy, the National Conference on State Parks, and the American Planning and Civic Association.

The New York Times, the Louisville Courier-Journal, the Washington Post, the Chicago American, the Milwaukee Journal, the Cleveland Press, and other great newspapers have given repeated editorial support.

Mr. President, I ask unanimous consent that the following recent editorials and articles be printed in the RECORD at the conclusion of my remarks:

As exhibit 5, a moving editorial entitled "Places for Scott Turner" which appeared in the December 6, 1962, editions of these Nebraska newspapers: South Omaha Sun, Benson Sun, Dundee and West Omaha Sun, and the North Omaha Sun.

As exhibit 6, an editorial from the Washington Post of September 23, 1962, entitled "Shoreline Tragedy."

As exhibit 7, an editorial from the New York Times of September 26, 1962, entitled "Indiana Dunes Can Be Saved."

As exhibit 8, an article by William Scheele in the Cleveland Press of September 22, 1962, entitled "Dunes Threatened."

As exhibit 9, a well-written article by Thomas Dustin, entitled "Sandstorm in Indiana" which appeared in the September–October 1962, issue of the Explorer, the magazine of the Cleveland Museum of Natural History.

As exhibit 10, an editorial from the October 13, 1962, edition of the Louisville Courier-Journal, entitled "Time To Seek Another Indiana Harbor Site."

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

EXHIBIT 5

PLACES FOR SCOTT TURNER

Scott Peter Turner, 7, wrote the President of the United States the other day:

"DEAR MR. PRESIDENT: We have no place to go when we want to go out in the canyon Because there ar going to Build houses So could you set aside some land where we could play? thank you four listening love Scott."

Secretary of the Interior Stewart L. Udall replied for the President. He said both he and Mr. Kennedy have a great awareness of what Scott is up against and they intend to do everything they can to correct the situation. Scott is too young, however, to realize what Mr. Kennedy and Mr. Udall are up against, they and millions of other lovers of open space.

It is an ancient battle in this country, a battle between those who would preserve our American heritage of wilderness and those who would invade it with highways, neon

lights, derricks, smokestacks, and slag heaps. Theodore Roosevelt and Gifford Pinchot fought the good fight in their day and won many victories. So did Franklin Roosevelt and Harold Ickes. Now it's up to John Kennedy and Stewart Udall, who, last fall, won a notable victory—but the battle still rages.

This one involves the fate of what has been called the longest and most primitive sandy shore in the Nation, Padre Island, a paradise for bird-watchers, naturalists, and vacationists who just like to be alone. Padre Island, an 80.5-mile stretch of sandy wilderness, is just south of Corpus Christi, Tex. This September Congress passed legislation making the island a national seashore, but the action has to be ratified by the Texas Legislature. What the Texas Legislature will do is, at the moment, touch-and-go. Some Texans want to turn Padre Island into a Texas version of Miami Beach. They argue that the State can make a lot of money out the taxes on such a development. With all due respect to Texas, we think America needs the wilderness more than Texas needs the money. And with all due respect to Miami Beach, we think one is enough.

Another battle is being waged over the Indiana dunes, a marvelous area of sand and shore and growing things 30 miles east of Chicago. On the one side there are people like Senator PAUL DOUGLAS, of Illinois, who want to protect the Indiana dunes for the quail, the chickadee, the fox, the deer—and for the spirit of man. Ranged against them are certain politicians and commercial interests who want to invade the dunes to construct a deep-water port for the convenience of immense steel blast-furnaces and scrap-iron operations.

You can't stop progress, these latter argue. But what's progress? "The Indiana dunes," says Poet Carl Sandburg, "are to the Midwest what the Grand Canyon is to Arizona and Yosemite to California; they constitute a signature of time and enternity. Once lost, their loss would be irrevocable."

Such a loss, in our opinion, would certainly not be progress, not as we understand the word.

Much is made, these days, of the conflict between spiritual and materialistic values. Padre Island and the Indiana dunes, and the pressures and counter-pressures swirling about them, are real examples of that conflict on the domestic scene. We think the conflict ought to be resolved in favor of young Scott Turner and the millions of Americans like him.

EXHIBIT 6

[From the Washington Post, Sept. 23, 1962]

SHORELINE TRAGEDY

Reportedly, Bureau of the Budget approval is imminent for the Burns Ditch Harbor on Lake Michigan. This is melancholy news, because it could spell the end of any hope for a national seashore area incorporating the matchless Indiana Dunes. As Secretary of Interior Udall wrote to the Bureau, if the port is constructed, "the possibility of establishing a unit of the national park system in this area of Lake Michigan will be foreclosed for all time."

The Indiana Dunes are a natural treasure of a unique kind. They stretch for a few miles along the lake and contain, as in a living laboratory, the whole geological and biological history of the struggle between billowing dunes, forest, and water. What makes the dunes especially precious is their location within easy access of the Chicago metropolitan area, thereby providing a recreation area for a densely populated region.

But an essential strip of the dunes belongs to the National and Bethlehem Steel companies. Plans are underway for intensive industrial development that would wipe out the dunes and spoil a small State park already located in the area. Legislative efforts to save the dunes have failed in good part because Indiana political leaders find it hard to resist the slogan "payrolls, not picnics." But the verdict in Indiana is far from unanimous. Representative RAY J. MADDEN, of adjoining (and industrial) Lake County, is for saving the dunes, as is the Steelworkers Union.

In his conservation message of February 28, President Kennedy called for the creation of a national lakeshore park in northern Indiana. Some 250,000 persons have petitioned to Congress to save the dunes. But thus far all this has been to no avail and the Federal Government seems about to spend $25.6 million to build a harbor in the middle of the dunes. The doubts remain. Is it really too late to consider alternate sites in Michigan City or Lake County? Is it impossible to build a ship canal that would place the harbor inland and spare the dunes?

Before the Bureau makes its final judgment, surely one final reappraisal is in order to determine whether Indiana could have its steel plants and still let the public have the dunes.

EXHIBIT 7

[From the New York Times, Sept. 26, 1962]

INDIANA DUNES CAN BE SAVED

Senator PAUL H. DOUGLAS and others working to save the Indiana dunes from industrial obliteration have pointed out that there are better ways and better places to provide a deepwater port for northern Indiana than by dredging out a site in the heart of the dunes. The U.S. Corps of Engineers has declined to study the alternatives and is now asking the Budget Bureau, an arm of the White House, to give its approval to this destructive project.

Last February, in his widely applauded conservation message to Congress, President Kennedy called for creation of an Indiana Dunes National Lakeshore. If the President meant what he said, he will direct the Corps to ignore the pressures being exerted by some Indiana politicians and by the steel companies that own land in the dunes and to come up with a plan that will save this irreplaceable shoreline recreational area. It is still possible to save it if there is a desire to do so.

EXHIBIT 8

[From the Cleveland Press, Sept. 22, 1962]

DUNES THREATENED

(By William Scheele)

Our neighboring State of Indiana has found itself with a crisis that is making conservation history. The situation is created by the valiant struggle a group of citizens is making to preserve approximately 5 miles of Lake Michigan shoreline which includes some of the most spectacular natural history in the Midwest.

The fight began in 1916 when Stephen T. Mather, first director of the National Park Service, proposed to create a park or reservation that would preserve the Indiana dunes as one of the continent's great spectaculars. When these dunes (which are only a few hours driving time from Cleveland), were first recognized as a potential park, knowledgeable people ranked them with Yellowstone and the Grand Canyon as one of America's most interesting places.

World War I thwarted Mather's efforts to create a park near Chicago and, subsequently, the industralization of the Gary steel mills region consumed about 25 miles of the shoreline that includes dunes.

Two big steel companies, the Indiana Governor, and the Army Corps of Engineers are posing the final threat to the remaining scrap of shoreline. Opposing this almost unbeatable combination of big money and politics is the Save the Dunes Council, Senator PAUL DOUGLAS' Senate bill 1797 and a host of citizens who want Indiana to exercise good commonsense and help preserve this wilderness which exists within a few miles of our country's second largest metropolitan area.

The final destruction of the dunes is proposed in the form of a deepwater harbor to serve a few steel companies. There are other adequate ports nearby which could be expanded, but with the blindness which occasionally characterizes industrial expansion, the planners prefer to create a new port rather than to utilize an existing one.

Prof. Henry C. Cowles has stated that the dunes of Lake Michigan are much the grandest in the entire world with contrasting types of plant life * * * from bare dunes to magnificent primeval forests. Senate bill 1797, now in subcommittee, seeks to preserve the remaining 9,000 acres of duneland with 5½ miles of shoreline as a national lakeshore for the recreation and education of all the people of the Nation. Since the major acquisition of forest preserves we have fallen far behind other cities.

Professor Cowles, University of Chicago botanist, first drew the attention of the world to the Indiana dunes over 60 years ago. His electrifying demonstration that pioneer plants so condition bare sand that more advanced plant communities can succeed them really founded the science of plant ecology in America. And it is doubtful that this amiable scientist and teacher could have made such a discovery anywhere else than at the foot of Lake Michigan.

Clevelanders might well sympathize with those who want to preserve the dunes. Our own lakeshore has been denied us in a natural state. The only things we have left are the artificial marinas and breakwalls. With the turnpikes what they are, Clevelanders can, however, enjoy the dunes in less than a day's travel time. If the Save the Dunes Council is successful, we may all thank it for providing a major recreational area.

EXHIBIT 9

[From the Explorer, September–October 1962]

SANDSTORM IN INDIANA

(By Thomas Dustin)

The Indiana Dunes lie within sight of the smoking steel mills of Gary. Stretching serenely eastward they are just beyond reach of the stifling purple and brown clouds which erupt from manmade volcanos. Once they comprised nearly the entire length of the State's short 42-mile Lake Michigan shoreline. Now, all that remains is 6 miles—but miraculously, the very best 6 miles. A bill before the U.S. Senate (S. 1797), introduced by Senator PAUL H. DOUGLAS, of Illinois, would preserve these last 9,000 acres as the Indiana Dunes National Lakeshore.

The Senate bill, important as it is, does not assure the dunes' salvation. For 10 years, the destruction of the dunes has been forestalled by conservationists organized as Save the Dunes Council, Inc. With wit and dedication, they have stood off national corporations and almost all of the major political figures in Indiana. Willing to abandon the pleasures of a holiday weekend to put out a mailing, or contribute yet another dollar to sustain a legal action, they have astounded their opponents who first sought to dismiss them contemptuously as ineffectual birdwatchers. When DOUGLAS joined the dune savers in 1958, the dunes became a national issue. Yet they may still be lost unless resolute citizens take firm, no-nonsense political action.

The dunes are unique scientifically, and they are located, almost incredibly, in the heart of the Nation's second greatest metropolitan complex. Their values fit every desirable characteristic set forth in the new report by Mr. Laurance Rockefeller's Outdoor

Recreation Resources Review Commission. (They contain an incomparable fresh water shore and beach line, the widest in North America; they are located near a major population center, where they are needed most; they are imminently threatened by adverse usage; and they contain natural phenomena and combinations not duplicated anywhere on the continent.) The importance of the dunes has long been recognized. Stephen Mather, Secretary of the Interior and the first Director of the National Park Service, recommended in 1916 that 25 to 30 miles of them be incorporated in the national park system.

Naturalists the world over have found the dunes to be unique in North America for their geological and botanical contents. At the start of this century, the great botanist, Henry C. Cowles, of the University of Chicago, was primarily responsible for the area being called "the birthplace of ecology in North America." Many years ago, Professor Cowles conducted a group of Europe's outstanding natural scientists through the United States. Time permitted a visit to only four of our greatest natural phenomena: Grand Canyon, Yosemite, Yellowstone, and the Indiana Dunes.

"There are few places on our continent," Cowles once said, "where so many species of plants are found in so small a compass. Within a stone's throw of almost any spot, one may find plants of the desert and plants of the rich woodlands and plants of the swamps, plants of the oak woods, and plants of the prairies. Species of the most diverse natural regions are piled here together in such abundance as to make the region a natural botanical reserve. Here one may find the prickly pear cactus of the southwestern desert hobnobbing with the bearberry of the Arctic regions.

"Nowhere perhaps in the entire world of plants," Professor Cowles said, "does the struggle for life take on such dramatic and spectacular phases as in the dunes. In my 20 years of study of the Indiana dunes, I have many times watched the destruction of forests by sand burial. But the plants do not yield supinely * * * the cottonwood, various willows, wild grape, and dogwood display an outstanding resistance, growing up as the sand advances over them, and often succeeding in keeping pace with the advance of the sand.

"It is not so well known as it should be that the Indiana Dunes are much the grandest in the entire world."

Located at the southern tip of Lake Michigan, the dunes were built up in multiple ridges, partly as morainal deposits by the last glaciers (the Valparaiso Moraine, 10 miles south of the lake, is one of the most southerly of these prominences), but more importantly, near the lake, by the northerly winds and water currents.

The sand particles which the lake waves deposit on the shore are rounded and easily moved inland by the slightest wind action. A small sand shelf, quite evanescent, is the first prominence formed immediately inland of the shore-water boundary, then a remarkably wide beach, up to 100 yards, is observed. Medium-sized foredunes, 3 to 20 feet in height, elongated hummocks, steppes, or ridges are next observed, usually followed by rather indistinct interdunal troughs. These rapidly changing foredunes are lightly held together by highly adaptable grasses, sand cherry trees, and small poplars. The poplar trees have the interesting capability of changing root structure into trunk material or of sprouting roots from their trunks as the sand rises. Thus, they do not die easily as a result of changing sand levels.

Inland of the foredunes rise the principal dunes formations in all their grandeur—at times to heights of 200 feet. Sometimes they are stabilized for a period by grasses and plants on the windward side, but sooner or later these are usually unearthed by wind action, and bare windward sides are presented. Sand is blown from these surfaces to the leeward side, and a moving dune is created. This inland leeward side is usually more heavily forested, but the relentless movement of the dunes can and often does bury this vegetation.

Several of the most remarkable tree graveyards on the continent—forests, buried centuries ago—are now revealed by dunes which have moved still further inland. Sweeping vistas of soaring, bare, sand paraboloids, a mile—even 2 miles in length, stretch sweepingly outward and upward to the sky, with the legions of ghostly and long-dead tree armies straggling their way up the long summits—as if following their conqueror in abject and broken defeat.

And it is here amid the glories of this improbable desert, where the cactus grows beneath the arctic jackpine, where the cleanest and widest freshwater beaches in the world wait for humanity, where the multiple waves of heavily forested dunes stand further inland, where the sheltered interdunal troughs hold the greatest ecological secrets, where the marshes and bogs protect and feed clouds of migrating birds, where many scientists and millions of people through the years have gained technical insight, spiritual inspiration and unembarrassed love of the land, that the State of Indiana, in consort with a steel company, wishes to move its bulldozers.

They propose to build a deep water port in the heart of the unspoiled duneland, at a place called Burns Ditch, adjacent to a new Midwest Steel plant and a 3,000-acre tract owned by Bethlehem Steel Corp. The port would consist of 770 acres, including water area, and the development is touted as a major economic boon for the State of Indiana. Officials do not tell the public that the primary beneficiary of the port, according to an Army Corps of Engineers feasibility report, is Midwest Steel Corp., and that this firm has a contract with the State guaranteeing it perpetual free docking privileges.

The State administration is firmly allied politically with a director of a major railroad seeking facilities in the dunes. A former State senator, who is the author of a successful appropriation bill for Burns Ditch Port real estate acquisition, is now an administrative assistant to the president of Midwest Steel Corp., the major beneficiary. A former U.S. Senator from Indiana is president-treasurer of a corporation organized specifically, according to its prospectus, to speculate in dunes real estate near the port development.

Few are the political voices in Indiana willing to stand up to such powerful forces, though the few who do are very influential. The most important of these are from the nearby, populous Lake County, west of the dunes, where a port with ample expansion acreage would be of far greater public benefit than a one-company port at Burns Ditch, if any port at all would aid Indiana industries. Most of them ship from Toledo, Ohio, which is much closer to eastern markets than any Lake Michigan port.

The mayors of Gary, East Chicago, Hammond, and Whiting, as well as that district's Congressman, RAY J. MADDEN, see Burns Ditch as a public subsidy for Midwest Steel and possibly Bethlehem, who would be in direct competition with their own sick steel industry. Also, they are mindful of their recreation-starved population, which soared 40 percent between 1950 and 1960.

The concept of a 770-acre port in the dunes, which Secretary of the Interior Udall has said would destroy the very best of the dunes as well as pollute most of the remaining shoreline and beaches, is absurd, according to independent authorities. Even if pollution of the waters and destruction of the natural values could be overlooked, such a port would not handle by the year 2012 half the shipping now handled by Indiana harbor, according to the Army engineers. Since it would be completely surrounded by its steel company beneficiaries, it could never be expanded beyond its initial size.

Nevertheless, the hopeful beneficiaries continue to press for taxpayer assistance in the destruction of the dunes—Federal funds to build a port, State money to create a harbor. They are answered by a scientists' petition in favor of the Douglas bill initiated by Director W. J. Beecher, of the Chicago Academy of Sciences, and Dr. Charles Olmstead, chairman of the Department of Botany at the University of Chicago.

Those who have signed the Beecher-Olmstead statement include: Dr. A. Starker Leopold (son of the late Aldo Leopold), Museum of Vertebrate Zoology, Berkeley, Calif.; Dr. Alexander Wetmore, former Secretary of the Smithsonian Institution; Dr. Dean Amadon, American Museum of Natural History; Dr. Lee S. Crandall, director of the New York Zoological Park; Dr. Alfred M. Bailey, director of Colorado's Museum of Natural History; Donald Culross Peattie; Roger Tory Peterson; Edwin Way Teale; and Richard H. Pough.

In Cleveland, the Beecher-Olmstead statement is endorsed by Prof. Benjamin P. Bole of Western Reserve University, and by William E. Scheele, director of the Cleveland Museum of Natural History.

The list of great natural scientists who have enlisted in the final effort to save the dunes continues to grow, but the magnetism of profit takes little account of science, education, or desperately needed recreational space. Only an avalanche of public opinion, so powerful that it will be heard in Indianapolis, Washington, Cleveland, and Bethlehem, Pa., will prevent the destruction of the incomparable Indiana Dunes.

EXHIBIT 10

[From the Courier-Journal, Oct. 13, 1962]

TIME TO SEEK ANOTHER INDIANA HARBOR SITE

The despoilers who would sacrifice the finest remaining Indiana dunes along Lake Michigan for the benefit of two steel companies have received a temporary setback. They failed at this session of Congress to get either Federal authorization or money to help finance their scheme.

Temporary though it may be, this is a signal victory for the forces that would save the irreplaceable dunes for recreation and for their unique natural features.

Now is the time to press for serious consideration of alternative sites along the Indiana shoreline for a deepwater port. The Army Corps of Engineers has never made a real study of other possible sites, neither in the Lake County area nor at Michigan City. They have not done so, they say, because Indiana officials have never asked for such studies. Indiana officials have not asked for them because some powerful interests stand to gain from the Burns Ditch location—and not from any other. But the people of Indiana and, for that matter, the entire Nation would be the gainers if the dunes are preserved and the port is located elsewhere.

The Corps of Engineers, after repeatedly rejecting the Burns Ditch site over a period of years, finally, under relentless pressure, came up with a report declaring it "economically feasible." That's all the report said. It did not say it was the only feasible location for the port in Indiana. Moreover, the economic feasibility of the Burns Ditch site, despite the Engineers' report, is questionable, as congressional hearings and other testimony, some by private engineering firms, have demonstrated.

A RAID TURNED BACK

At any rate, the dunes wreckers' raid on the National Treasury has been turned back for the time being, and President Kennedy's

administration deserves a great deal of credit for refusing to be stampeded into supporting this suspect project.

Senator Homer Capehart, who is in a tough race for reelection, is trying to make political capital out of the situation. He implies that Governor Welsh, and BIRCH BAYH, the Democratic senatorial candidate, have let the State down by not prevailing upon the White House to approve the Burns Ditch project. Well, the truth is, Governor Welsh, mistakenly we insist, did everything possible to pressure the Kennedy administration into backing the rape of the dunes. That he has not succeeded to date is a tribute to the administration's judgment, not a reflection on Governor Welsh's persistence.

Capehart's attack on Welsh and BAYH could be the first significant break in the bipartisan combine pushing for the Burns Ditch project. Earlier, U.S. Representative RAY MADDEN came out against the Burns Ditch scheme. But he is the only elected official in Indiana to do so to date. We hope Governor Welsh, after Capehart's absurd attack on him, will see what sort of people he has been alined with on the Burns Ditch issue and have a change of mind.

Mr. DOUGLAS. Mr. President, impressive support from the scientific community for rescuing the unique and irreplaceable scientific values in the dunes has also come forward. Last July, for example, some of the most famous zoologists, biologists, and ornithologists of the world appealed to Northwestern University in an open statement asking its trustees to abandon the path of expediency and reconsider their participation in the destruction of a key section of unit 2 of the dunes. I put in the CONGRESSIONAL RECORD of July 27, 1962, a full account of this appeal by distinguished scientists in Europe and the United States.

A new appeal has recently been made by 166 scientists and educators, working within the State of Indiana itself. These distinguished authorities, mainly biologists, zoologists, botanists, ecologists, geologists, geographers, engineers, physicists, and soil scientists teaching or researching at Indiana's many fine universities, signed letters to President Kennedy which stated in part:

If a port is needed, it should be located wisely in the light of all legitimate public needs. Because a Burns Ditch port would involve losing that portion of the dunelands having the greatest recreational, scientific, educational and aesthetic values, we place the burden of proof on those insisting on this site.

The evidence put forward for a Burns Ditch Harbor has failed to withstand critical examination. A port there would chiefly benefit automated steel mills and cost American taxpayers far more than the return in public benefits for a 50-year period.

The loss of the natural duneland around Burns Ditch would be a tragedy even if it were necessary. It has not been shown to be necessary.

In our opinion, the best interest of Indiana as well as the Nation's would be served by establishment of the proposed Indiana Dunes National Lakeshore.

The Senate Subcommittee on Public Lands also has on file impressive statements by numerous scientific authorities who have called for preservation of the dunes.

Mr. President, on last Thursday, I had printed in the RECORD at page 1480 the new article by William Peeples on "The Dunes and Pressure Politics" which appears in the Atlantic Monthly issue for this month. I again commend this to all who have not read it as a cogent and revealing account of this issue.

SELFLESS COUPLE TURNED DOWN $100,000

Many organizations and individuals have contributed at length and well to the effort to save the dunes, but few examples of selflessness, courage, and idealism surpass the actions of Doctors Knute and Virginia Reuterskiold of Chesterton, Ind. This retired couple has recently turned down an offer of $100,000 made by Bethlehem Steel for the 10-acre plot of dunesland they own and live on. Despite continued pressures to sell, they have refused because, Mrs. Reuterskiold said, "We love this area. The dunes are an irreplaceable asset which belong to all the people—they should not be wiped out." The Reuterskiolds have stated that they are willing to give or sell their property at a moderate price to the Interior Department if it can be made part of a national dunes park.

Mr. President, I ask unanimous consent that two articles describing this fine illustration of love of the dunes be inserted in the RECORD following my remarks: As exhibit 11, an article from the Louisville Courier-Journal of December 9, 1962, entitled "Holding on to an Ideal" and as exhibit 12, an article from the Chicago Sun-Times of November 2, 1963, entitled "Refuse $100,000 for Dunes Acres."

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

EXHIBIT 11

[From the Courier-Journal, Dec. 9, 1962]

HOLDING ON TO AN IDEAL—LETTERS PRAISE ACTIONS OF DUNES HOLDOUTS

(By Gordon Englehart)

CHESTERTON, IND., December 8.—Idealism, the dictionary says, is the "practice which values ideal or subjective types or aspects of beauty more than formal or sensible qualities."

Idealism is an old-fashioned trait that may cost the Doctors Reuterskiold dearly.

Back in 1948, Dr. Knute and Dr. Virginia Reuterskiold of Chicago paid $2,750 for a little old farmhouse and 4 acres in the heart of Indiana's dunelands, along Lake Michigan. Later they added 6 acres.

In October, the retired couple turned down an offer of $100,000 for their property from Bethlehem Steel Co., which in 6 years had bought up 3,300 surrounding acres for a possible mill.

"It's idealistic, I know, and naive," Virginia said recently.

ALL THE PEOPLE

"But it's the first place we ever owned. It is home to us. We love this area. The dunes are an irreplaceable asset which belong to all the people—they should not be wiped out.

"I'm not a gambler. But we're going to see if hanging on might not make a difference in saving this area."

Virginia is a charter member of the 10-year-old Save the Dunes Council, a group of conservationists seeking to incorporate the entire dunes area into a national park.

"I'm dedicated to that," she said. "It's something to live for. Anyway, what could one do with all that money?

"We have no children, no one to leave it to. But if we can contribute to this area's being saved, that would be something."

VIOLENT WRENCH

Last Monday, the Reuterskiolds' life of peace and seclusion deep in the black-oak woods was rent violently. Bethlehem announced it will immediately start erecting a $250 million steel-finishing facility on its tract.

This will mean erasing towering, shifting sand dunes and plant and animal life that the Reuterskiolds and others claim are unique in all the world.

In the face of the inevitable, what will the Reuterskiolds do? Will they contact Bethlehem to see if the $100,000 offer is still open?

"Definitely not," Virginia said this week.

What if Bethlehem renews the offer?

"I can't give an answer," she said. "I don't know. I'm sure there will be no immediate decision. We want to talk to some of our friends."

NO THREAT MADE

Virginia stressed that Bethlehem agents had not threatened them, and had frankly admitted they did not know where a railroad serving the mill might run its tracks.

But, she recalled, the agents had noted that a railroad (unlike the steel firm) has the power of condemnation, and if the tracks were routed through the Reuterskiolds' land, a condemnation court probably would set a price lower than the Bethlehem offer.

As far as the Reuterskiolds know, there is only one other holdout in the area. He is a Chicago artist named John Hawkinson.

Hawkinson, his wife, and two small daughters have a weekend cottage on 2 acres, and have refused a $20,000 offer from Bethlehem, said Virginia.

While unwilling to sell to Bethlehem, Virginia said she would accept a "modest amount" for their 10 acres from the National Park Service, subject to a life-estate interest, if they were to be included in a park.

Knute Reuterskiold, 71, and partially paralyzed, is a native of Sweden. He earned his M.D. from the University of Illinois Medical School in 1926, taught at the University of Chicago Medical School, and was a doctor for International Harvester Co.

Virginia, 59, was born in Calumet, Mich. She got her M.D. from the University of Chicago Medical School in 1932 and concentrated on public health work. The Reuterskiolds were married in 1933.

HOUSE WAS SMALL

In 1948 both were ailing. They left their Chicago apartment for a 3-month rest in the dunes farmhouse, then found they just couldn't give it up.

The white frame house, built in 1892, contained only a kitchen, sitting room, small bedroom, and a loft.

For light, the Reuterskiolds used kerosene lamps. Not until 1954 did they install electricity. Not until 1958 did they have indoor plumbing.

They have added a living room and two upstairs bedrooms. The house is warmed by a large fuel-oil space heater and two smaller wood-coal heaters—all downstairs. An electric pump provides water from a well.

The Reuterskiolds subsequently bought 10 more acres for $150 an acre, and sold off 4.

Several years ago Bethlehem made its first offer—$25,000—for the property. This was later boosted to $55,000, then to $85,000 early this fall, and finally to $100,000.

The home is about a mile from the Lake Michigan shore, directly south of the Northern Indiana Public Service Co. power-generating plant.

The couple have a television set, and enjoy music on a record player. They are great readers. Virginia, up at 5 or 5:30 a.m., hikes every day with Susan, their beagle, along the beach or through the woods of black and pin oaks, sassafras and sour gum, birches, and jack and white pine.

Across their acreage cavort possums, raccoons, mink, weasels, foxes, squirrels, beavers, deer, and woodchuck. Also visiting the Reuterskiold land or nearby areas once or twice a year are brush fires.

TENDS BIRD STATIONS

Virginia carefully tends a bird-feeding and banding station in the side yard. Since 1954, she has identified 255 species of birds within walking distance of their home.

The Reuterskiolds have an annual income of about $3,100 from social security, annuities, and some stock dividends, said Virginia.

Their wants are few, and living costs are reasonable. Last year, they even managed to save about $1,000, she said.

Since their refusal of the Bethlehem offer was made public, the Reuterskiolds have received a number of letters of praise.

One woman wrote that "this should forever quiet those who say dune lovers only love the dunes because they hope to make money from them."

EXHIBIT 12

[From the Chicago Sun-Times, Nov. 2, 1962]

REFUSE $100,000 FOR DUNES ACRES

Dr. and Mrs. Knute Reuterskiold disclosed Thursday they had rejected an offer of more than $100,000 for their 10 acres of dunes near Chesterton, Ind.

The wife Virginia, who was a founder of the Save the Dunes Council 10 years ago, said the offer was made on behalf of Bethlehem Steel Corp., which seeks to establish a harbor and an industrial area in the dunes.

The council is fighting to retain the dunes for a national shoreline park. Neither the area nor the controversy involves the long-established Indiana Dunes State Park.

Leonard D. Rutstein, attorney for the Save the Dunes Council, said the Reuterskiolds prefer to "give or sell at a moderate price" their dunes tract to the National Park Service in the event a bill to make the region a national park is passed by the next Congress.

The bill is sponsored by Senator PAUL H. DOUGLAS, Democrat, of Illinois, but opposed by both Indiana Senators.

Rutstein said Dr. and Mrs. Reuterskiold, both elderly and retired, have lived the last 20 years in a 70-year-old frame house on their tract.

Mrs. James H. Buell of Ogden Dunes, Ind., president of the Save the Dunes Council, hailed the Reuterskiold refusal to sell as "a high point in the council's 10-year effort."

Mrs. Buell added that the council would hold its annual fall meeting Friday in the Gary Hotel at Gary.

Mr. DOUGLAS. Mr. President, important assistance has also come from Congressman RAY MADDEN, of the First District of Indiana. He testified last year before the Senate Subcommittee on Public Lands and was the first nationally known Indiana political leader to come to the defense of the dunes and to point out the absurdities of a Burns Ditch Harbor.

He has been joined in the position he has taken by the nearly unanimous business, labor, civic, and political interests of Lake County, Ind., including the chambers of commerce of Whiting, East Chicago, and Hammond, the mayors of Whiting, East Chicago, Hammond, and Gary, and the Lake County, Ind., AFL–CIO Central Labor Union.

Crucial aid has come from Director Joseph Germano, of district 31 of the United Steelworkers of America. This district represents more than 130,000 steelworker members, of whom more than 65,000 work in Lake County, Ind. Mr. Germano speaks authoritatively when he says that the interests of the workers in his district are definitely in opposition to destroying the dunes to accommodate two steel companies.

The United Auto Workers of America were early supporters of my dunes bill, and their president, Walter Reuther, declared their support in a statement submitted to the Senate subcommittee hearings last year.

BURNS DITCH HARBOR IS DEAD

Mr. President, I shall speak at length in a few days about the second trend which has developed concerning the Indiana Dunes; namely, the exposure to sunlight of the facts about the proposed Burns Ditch Harbor. But for today, let me say that sunlight is a great disinfectant, and our efforts to direct the light of truth on this harbor proposal have shown that in addition to its destroying an irreplaceable natural resource, it would be an outright subsidy to National Steel headed by George M. Humphrey, an expert attractor of subsidies for his business interests, and to Bethlehem Steel. The light of the facts has shown, moreover, that even if the steel companies would commit themselves to building basic steel mills in the dunes, which they have not committed themselves to do, the benefit-to-cost ratio for the proposed Federal investment would be only .41 to 1 and the ratio for the total investment would be only .10 to 1. That is, the taxpayers and bond buyers, if any, would get back in benefits much less than 50 cents on the dollar.

I believe that the Burns Ditch Harbor is dead, but if any attempt is made to resurrect it, we will add more and devastating sunlight in hearings before the committees of the House and the Senate. The district engineers' report on the harbor is still being studied by the Bureau of the Budget, and despite recent announcements in Indiana, we shall continue to insist that it be thoroughly evaluated. The fact is that promises made by the Army Engineers 2 months ago to supply at last the information we have been after for a year still have not been kept. This is probably because the steel companies and other harbor proponents refuse to produce the evidence. I believe this is because the evidence will damn the harbor.

But while the conditions for saving the dunes are greatly improved, we cannot be complacent. When the weather clears, the business office of Northwestern University will be poised to destroy, in cooperation with Bethlehem Steel, a key section of the lakefront dunes.

The key to a Dunes National Park is that area known as Unit 2, extending from the Northern Indiana Public Service Co. property west toward the National Steel finishing mill. We must concentrate our efforts to work out a way of saving this beautiful and scientifically valuable area. It can be done, and I call upon all parties to withhold any destruction in this unspoiled area and to work, in the interest of all the people, for a reasonable solution which will give Indiana a harbor and save the dunes.

INDIANA CAN HAVE HARBOR AND SAVE THE DUNES

This is the important point, Mr. President: Indiana can have another harbor and still preserve the dunes. That is, it can if the purpose of its leaders is to serve the people rather than to enrich the two steel companies. I shall go into this in detail in a few days, but let me again make clear my position on an Indiana harbor.

It is charged by the dunes despoilers that I oppose the port and industry which would level and pollute the dunes and beaches because I want to protect Illinois business interests. I say again—and I think my actions in support of a tricity harbor bear this out—I do not oppose Indiana having another lake port, although it already has four, and I have worked to secure appropriations for study of one of the three or four alternative Indiana sites for such a port. I do oppose having the Federal Government build a harbor and subsidize a port which would destroy the dunes and exist for the almost exclusive benefit of two steel companies, Bethlehem and National Steel. I do not oppose the creation of jobs for Indiana. I will work to help Indiana get another port and industry which will create jobs. But the present industrial plans to destroy the dunes would not result in increased employment. In fact, as has been pointed out by the Steelworkers Union of the very area concerned, these plans will cause even more unemployment than already exists.

REASONABLE SOLUTION POSSIBLE WHICH WILL SERVE THE PEOPLE

Mr. President, a reasonable solution which will truly serve the people is possible, and the time to proceed to this solution is near. The pricelessness of the dunes has never been better put than by Carl Sandburg:

> The dunes are to the Midwest what the Grand Canyon is to Arizona and Yosemite is to California. They constitute a signature of time and eternity: Once lost the loss would be irrevocable.

In reintroducing this bill, I renew—on behalf of the millions who love nature and wish to enjoy it and for the unborn generations who will come after us and to whom we should hand on this beautiful earth—help us to save one of the few remaining spots of beauty and tranquillity near the great centers of population. Help us to save the dunes.

GLOVER-ARCHBOLD PARKWAY

Mr. MANSFIELD. Mr. President, I introduce a bill which, if enacted, would transfer certain land in the District of Columbia to the Secretary of the Interior, for administration as a part of the National Capital Parks system. This bill is identical with the bill I introduced in the 87th Congress. That bill was passed by the Senate, after extensive hearings; but no action beyond public hearings was taken in the House.

In brief, the purpose of this measure is to transfer jurisdiction over the Glover-Archbold Parkway from the District of Columbia to the National Park

Service. The specific purpose is to insure the future protection and maintenance of this unique park, removing it from the continuing encroachment of superhighways and development. Glover-Archbold Park is, as many of us know, a natural park unencumbered by manmade improvements and alterations.

A park of this kind is very rare indeed, particularly in the heart of a large metropolitan area.

The Glover-Archbold Park is not large; but it is very important to those who live in the general area and to those who seek the peace and quiet of a beautiful natural wooded area. Those who know this park are deeply interested in its preservation as we now know it.

The question arises as to the urgency of the transfer of this property from the District of Columbia to a Federal agency. I call to the attention of the Senate the fact that this property was donated to the District of Columbia by the Glover and Archbold families, with the express purpose that the park be maintained in its natural state. This point has been adequately established in the courts and in the hearings that were held on S. 2436 in both the Senate and the House.

There is every indication that if the District of Columbia Highway Department has its way, the Glover-Archbold Park will eventually be the route of an expressway, a link in the extensive highway program now underway in the District and nearby Maryland and Virginia. This may not happen this year or in 3 or 4 years, but I am certain it will in the not too distant future. In addition, if the controversial Three Sisters Bridge over the Potomac River is built, it is inevitable that a highway will be built through the park because the approaches from the bridge have no other place to go. A highway through the park will destroy it, because of the limited size and narrowness of the park.

I think it is important that all of us recognize that new fancy highways and expressways are not the complete answer to the many problems that confront growing metropolitan areas such as Washington, D.C. More expressways in downtown Washington and adjacent residential areas will not relieve the present traffic congestion, but will only increase it. Unless we preserve some of the natural beauty of our Nation's Capital and develop the city with these things in mind, we are going to end up with a very costly city of expressways, arterial highways, and unsightly parking lots. There must be other ways to resolve these difficulties. We have more reasonable solutions offered by the National Capital Transportation Agency with its rapid transit proposals now before the Congress. More bridges, more highways, fewer parks, destruction of residential areas, and compounded traffic problems in the heart of the city cannot be the answer.

The preservation of Glover-Archbold Parkway is only a small part of the problem, but it is an essential element in comprehensive planning for the Nation's Capital. I ask that the Senate again act expeditiously and favorably on this proposal, and I sincerely hope that our colleagues in the House will do likewise.

Mr. President, I ask that the text of this bill be printed at the conclusion of my remarks in the RECORD.

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

The bill (S. 651) to transfer certain land in the District of Columbia to the Secretary of the Interior for administration as a part of the National Capital parks system, and for other purposes, introduced by Mr. MANSFIELD, was received, read twice by its title, referred to the Committee on the District of Columbia, 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 all right, title, interest, and control in and to the land heretofore held by the Government of the District of Columbia for the opening of an avenue along Foundry Branch, now named the Glover-Archbold Parkway and formerly known as Arizona Avenue, shown on the plat recorded by the surveyor, District of Columbia, May 3, 1893, in book county 9, page 48, titled "Avenue Along Foundry Branch From Loughboro Road to Canal Road, District of Columbia, March 1893" which lies between Canal Road and the present Upton Street (not shown on said plat) Northwest, Washington, District of Columbia, together with that unimproved portion of P Street Northwest, extending from the westerly edge of said avenue to the westerly boundary of the Archbold Parkway, is hereby transferred to the United States to be a part of the park system of the National Capital and its environs. This land is hereby added to and shall hereafter be known as a part of the Archbold Parkway, the Glover Parkway, and Children's Playground, respectively, and shall be administered, protected, developed, and maintained by the Secretary of the Interior through the National Park Service, in accordance with the provisions of the Act of Congress approved August 25, 1916 (39 Stat. 535), as amended and supplemented.

PALMETTO BEND DAM ON NAVIDAD AND LAVACA RIVERS

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill authorizing the construction of the Palmetto Bend project by the Bureau of Reclamation. This needed project would dam the Navidad and Lavaca Rivers near Edna, Tex., to regulate their flow and provide water for municipal and industrial use in Jackson and Calhoun Counties. The dams and reservoir would also yield desirable fish and wildlife conservation benefits as well as opportunities for recreation.

The plan for this Palmetto Bend project has been formulated by the Bureau of Reclamation as part of the Texas basins project investigation, and is consistent with those plans and plans formulated by the U.S. Study Commission—Texas and the Texas Water Commission.

This project is to be constructed in stages, with the Navidad River portion being stage 1, and the Lavaca River section being stage 2, construction of which should follow 19 years after completion of the stage 1, Navidad River, portion.

The Navidad River portion of the work calls for a rolled earthfill dam 12.3 miles long and 64 feet high which would eventually yield 75,000 acre-feet of water per year. This stage of the project has a benefit-cost ratio of 1.8.

The Jackson County Flood Control District has agreed to pay all reimbursable project costs, and will assume the obligation of operation and maintenance of the Palmetto Bend Dam and Reservoir upon its completion. This project has the wholehearted support of the people of the area. I am pleased to be able to introduce this bill on their behalf, and in the interests of water conservation in Texas; I am hopeful the project will be authorized by this Congress.

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

The bill (S. 652) to authorize the Secretary of the Interior to construct, operate, and maintain the Palmetto Bend reclamation project, Texas, a division of the Texas basins project, and for other purposes, introduced by Mr. YARBOROUGH, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

ADMINISTRATION OF LAKE MEAD NATIONAL RECREATION AREA

Mr. BIBLE. Mr. President, on behalf of my colleague, the distinguished junior Senator from Nevada [Mr. CANNON] and myself, I introduce, for appropriate reference, a bill to provide an adequate basis for administration of the Lake Mead National Recreation Area.

The recreation area outlined in the bill encompasses the shoreline of Lake Mead and Lake Mojave, reservoirs created by construction of Hoover and Davis Dams on the Colorado River between my own State of Nevada and the State of Arizona.

In addition to serving as water storage basins of immense reclamation value to the southwest, Lakes Mead and Mojave have become recreation areas of ever-increasing popularity to the general public.

Literally millions of visitors throng each year to this unique area carved out of the desert. To support this statement, I refer to some statistics compiled by the National Park Service which clearly illustrate the growing popularity of the Lake Mead National Recreation Area.

During the calendar year 1962 a total of 2,689,000 persons visited the area, an increase of 21 percent over 1961. This does not account for the more than 3 million persons who traveled through the area in transit.

In August 1962 a total of 312,000 persons made use of the recreation facilities of the area, a figure up 58 percent from the same month of 1961.

Demonstrating the diversity of recreation facilities available in the breathtaking scenic environs of the area, I should like to call attention to these figures, also compiled during the month of August 1962:

During that month a total of 17,260 boats of varying size and rigging were

launched in Lakes Mead and Mojave; a total of 21,990 persons trolled or plugged for the variety of game fish stocked in the lakes, including the popular largemouth black bass; a total of 107,630 swimmers took advantage of the lakes' inviting waters; the challenging sport of water skiing saw 15,900 devotees skim across the open reaches of the lakes; and, during that same month, a total of 25,700 tent and trailer camper days were recorded in the area.

I believe it is also interesting to note that, because of an ideal year-round climate, the Lake Mead Recreation Area is virtually seasonless. For example, while August recorded a peak visitation of more than 300,000 persons, last December saw no fewer than 164,000 visitors trek to this aquatic playground on the desert.

Mr. President, the land referred to in the bill was withdrawn by the Bureau of Reclamation in 1930, prior to construction of Hoover Dam. Since that time it has been administered by the Park Service under an interbureau agreement.

The purpose of the bill is to provide the 1,951,928-acre area with regulations that will bring about the maximum beneficial use of the tremendous recreation potential, while still protecting the water storage projects.

A portion of the Hualapai Indian Reservation is within the boundaries; the tribe has indicated its willingness to be included, and to participate, and benefit from its creation.

We expect the bill will bring harmonious adjustment to the various activities in the area, and will stimulate development in accordance with the mounting demands of the public and the growing populations of Nevada, Arizona, and other Western States.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). The bill will be received and appropriately referred.

The bill (S. 653) to provide an adequate basis for administration of the Lake Mead National Recreation Area, Ariz. and Nev., and for other purposes, introduced by Mr. BIBLE (for himself and Mr. CANNON), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. CANNON. Mr. President, I have joined my colleague, the senior Senator from Nevada [Mr. BIBLE] in introducing a bill to provide for an improvement in the administration of the Lake Mead Recreation Area in Clark County, Nev. I ask that these remarks be printed following his statement which accompanied the introduction of the bill.

During both the 86th and 87th Congresses we have introduced this measure and in 1959 hearings were held in the field to obtain the views of interested local parties. At no time has any opposition arisen, and I am hopeful, therefore, that early and affirmative action can be taken during the present session.

For those who are not aware, I should like to point out that the Lake Mead Recreation Area blends an awesome appeal of mountain and desert, river, and lake. When this is combined with pleasant year-round weather, there is an outstanding recreational attraction for anyone, be he interested in sightseeing, hiking, boating, swimming, fishing, camping, or picnicking.

Senator BIBLE has submitted statistics indicating the amount of traffic which is increasing yearly and which is largely responsible for the need of altering the administration and other governing operations of the area. The lake, as presently administered, is subject to management limitations which serve to retard development as well as full utilization of the recreational potential. The present arrangement whereby withdrawal of the area is in the name of the Bureau of Reclamation and management under the charge of National Park Service does not permit full correlation of the development within the National Park Service program as established in its Mission 66 plan.

I believe that the administrative adjustments made possible by this bill would assist in the development of adequate facilities to meet the needs of the continually increasing number of visitors.

REIMBURSEMENT OF CERTAIN CITIES FOR CONSTRUCTION OF STREETS, SIDEWALKS, AND OTHER PUBLIC IMPROVEMENTS

Mr. METCALF. Mr. President, on behalf of the senior Senator from New Mexico [Mr. ANDERSON], the junior Senator from Indiana [Mr. BAYH], the senior Senator from Maryland [Mr. BEALL], the senior Senator from Utah [Mr. BENNETT], the senior Senator from Nevada [Mr. BIBLE], the senior Senator from Idaho [Mr. CHURCH], the junior Senator from California [Mr. ENGLE], the senior Senator from California [Mr. KUCHEL], the senior Senator from Montana [Mr. MANSFIELD], the senior Senator from Oklahoma [Mr. MONRONEY], the senior Senator from Oregon [Mr. MORSE], the junior Senator from Utah [Mr. Moss], the senior Senator from West Virginia [Mr. RANDOLPH], and myself, I introduce, for appropriate reference, a bill to help Uncle Sam continue to be a good neighbor.

It would authorize and direct the Secretary of the Army to pay, to the listed cities, such amounts as he determines the United States would have been required to pay as its share of the cost of street, sidewalk, and other public improvements made adjacent to U.S. Army Reserve installations had the United States been subject to assessment in the same manner and to the same extent as other property owners.

I ask unanimous consent that the bill be printed in full at this point of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 654) to authorize the Secretary of the Army to reimburse certain cities in the United States for expenses incurred by such cities in the construction of streets, sidewalks, and other public improvement adjacent to U.S. Army Reserve installations situated in such cities, introduced by Mr. METCALF (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to pay, to the following named cities, such amounts as he determines the United States would have been required to pay as its share in connection with street, sidewalk, and other similar public improvements made adjacent to United States Army Reserve installations situated in such cities had the United States been subject to assessment in the same manner and to the same extent as other private property owners who were assessed for such improvements in such cities:

FIRST ARMY AREA

Poughkeepsie, New York.

SECOND ARMY AREA

Hagerstown, Maryland.
Baltimore No. 1, Maryland.
Rockville, Maryland.
Riverdale, Maryland.
Wilmington, Delaware.
Seaford, Delaware.
Ripley, West Virginia.
Fairmont, West Virginia.
St. Marys, Ohio.
Mt. Vernon, Ohio.
Mansfield, Ohio.
Reading, Pennsylvania.

THIRD ARMY AREA

Chattanooga, Tennessee.

FOURTH ARMY AREA

Harrison, Arkansas.
Ada, Oklahoma.
McAlester, Oklahoma.
Las Cruces, New Mexico.
Silver City, New Mexico.
Harlingen, Texas.

FIFTH ARMY AREA

Scottsburg, Indiana.
Rushville, Indiana.
Bloomington, Indiana.
Anderson, Indiana.

SIXTH ARMY AREA

Douglas, Arizona.
Tucson, Arizona.
Phoenix, Arizona.
San Diego, California.
Bakersfield, California.
Fresno, California.
Modesto, California.
San Jose, California.
Santa Cruz, California.
Mountain View, California.
Vallejo, California.
Pasadena, California.
Van Nuys, California.
Rexburg, Idaho.
Glasgow, Montana.
Great Falls, Montana.
Helena, Montana.
Kalispell, Montana.
Las Vegas, Nevada.
Reno, Nevada.
Corvallis, Oregon.
Eugene, Oregon.
Medford, Oregon.
Portland, (South) Oregon.
Portland (West) Oregon.
Salem, Oregon.
Ogden, Utah.
Provo, Utah.
Salt Lake City, No. 1, Utah.
Everett, Washington.
Seattle, Washington.
Spokane, Washington.
Tacoma, Washington.
Wenatchee, Washington.

Mr. METCALF. Mr. President, late in 1961 my attention was called to the problem of the inability of the Department of the Army to pay its share of the cost of curbs and paving streets abutting Army Reserve centers.

This was based on a finding by the Judge Advocate General that decisions of the Comptroller General—39 Comp. Gen. 388, 390, B–120012, 15 October 1954, and 32 Comp. Gen. 296—preclude the Department from contributing military construction Army Reserve funds for improvement to property in which the Federal Government has no real estate interest. In case B–120012, the Comptroller General ruled further that regardless of the necessity for or desirability of another paving project already completed, the payment involved was illegal and unauthorized, and an exception therefore was stated against the accounts of the responsible certifying officer.

The case which prompted my inquiry was the Reserve center at Helena, Mont. There it was proposed to create a special improvement district to pave the streets in the area in which the center is located. Total cost of the paving and curbs was estimated at $24,000, of which the center's share would be some $6,000.

In correspondence on this subject, Lt. Col. Ernest E. Johnson, assistant adjutant general, 6th U.S. Army, referred to "other tentative projects of a similar nature." So I asked the Department of the Army to determine the extent of this problem—to give me a list of these projects of a similar nature in the United States.

I ask unanimous consent to include at this point of my remarks the reply from Brig. Gen. Fred C. Weyand under date of May 9, 1962, and the memorandum from Lt. Col. Rex. R. Sage under date of January 3, 1963, bringing the previous list up to date.

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

DEPARTMENT OF THE ARMY,
OFFICE OF THE SECRETARY OF THE ARMY,
Washington, D.C., May 9, 1962.

Hon. LEE METCALF,
U.S. Senate.

DEAR SENATOR METCALF: This is in reply to your inquiry concerning improvements to streets abutting U.S. Army Reserve centers.

There are 52 Army Reserve centers experiencing this problem in the United States. The total estimated cost of projects concerned is $273,955. An itemized list of these centers, by Army area, is inclosed.

As you know, based on past opinions of the Comptroller General, there is no authorization for the expenditure of Government funds for improvements to streets abutting U.S. Army Reserve centers, and the Department of the Army can take no action toward contributing funds for these projects.

Your interest in the Army Reserve is appreciated, and I trust the foregoing will be of assistance to you.

Sincerely,

FRED C. WEYAND,
Brigadier General, GS, Deputy Chief of Legislative Liaison.

DEPARTMENT OF THE ARMY,
OFFICE OF THE SECRETARY OF THE ARMY,
Washington, D.C., January 3, 1963.

Attention: Mr. Englund, Office of Senator METCALF (Montana).

Subject: Concerning improvements to streets abutting Army Reserve centers.

Attached per your request is revised list of Reserve center locations in need of off-site improvements. This listing has been brought up to date by the Office of Chief of Army Reserve, Department of the Army.

REX R. SAGE,
Lieutenant Colonel, GS, Office of Legislative Liaison.

Army Reserve centers, off-site improvements

Army area	Location	Off-site improvements	Estimated cost (Federal share)
1st	Poughkeepsie, N.Y.	Sidewalk replacement and correction of surface drainage conditions	$6,078
2d	Hagerstown, Md.	Curbs, pavement	7,500
	Baltimore No. 1, Md.	Sidewalk	1,690
	Rockville, Md.	Enlarge entrance to parking lot	300
	Riverdale, Md.	Sidewalk improvement	1,000
	Wilmington, Del.	Sidewalks	1,040
	Seaford, Del.	Curbs, sidewalks	2,500
	Ripley, W. Va.	400 feet of 20-foot-wide blacktop	4,500
	Fairmont, W. Va.	900 feet of 20-foot-wide blacktop	10,000
	St. Marys, Ohio	530 feet of 20-foot-wide blacktop	5,890
	Mount Vernon, Ohio	250 feet of 24-foot-wide blacktop	3,335
	Mansfield, Ohio	240 feet of 24-foot-wide blacktop	3,200
	Reading, Pa.	Curb and sidewalks	1,100
3d	Chattanooga, Tenn.	Installation of sidewalk, curb, and gutters	2,200
4th	Harrison, Ark.	Improvements to streets abutting USAR-constructed centers	4,000
	Ada, Okla.	do	11,000
	McAlester, Okla.	do	17,592
	Las Cruces, N. Mex.	do	4,600
	Santa Fe, N. Mex.	do	15,550
	Silver City, N. Mex.	do	4,800
	Harlingen, Tex.	do	7,800
5th	Scottsburg, Ind.	Pave gravel road	2,700
	Rushville, Ind.	Improve road	1,500
	Bloomington, Ind.	Pave gravel road	2,000
	Anderson, Ind.	Improve storm drainage	2,000
6th	Douglas, Ariz.	Curb, gutters, and street paving	5,000
	Tucson, Ariz.	Street paving, curbs, underground drainage	6,000
	Phoenix, Ariz.	Curbs, gutters, and sidewalks	5,000
	San Diego, Calif.	do	2,500
	Bakersfield, Calif.	Street paving and curbs	1,000
	Fresno, Calif.	Curbs, gutters, sidewalks, and street paving	2,000
	Modesto, Calif.	Curb, gutter, sidewalk and street paving	5,500
	San Jose, Calif.	Curb, gutter, sidewalk, street paving, and underground drainage	10,000
	Santa Cruz, Calif.	Sidewalk	1,500
	Mountain View, Calif.	Curb, gutter, and sidewalk	2,500
	Vallejo, Calif.	Curb, gutter, sidewalk, and street paving	5,000
	Pasadena, Calif.	Curb, gutter, and sidewalk	1,000
	Van Nuys, Calif.	Curb, gutter, sidewalk, and street paving	5,500
	Rexburg, Idaho	do	5,000
	Glasgow, Mont.	do	5,000
	Great Falls, Mont.	do	6,000
	Helena, Mont.	do	6,000
	Kalispell, Mont.	do	3,000
	Las Vegas, Nev.	do	9,500
	Reno, Nev.	Sidewalk and street paving	5,500
	Corvallis, Oreg.	Sidewalk	3,000
	Eugene, Oreg.	do	2,500
	Medford, Oreg.	Curb, gutter, sidewalk, street paving, and underground drainage	11,000
	Portland (South), Oreg.	do	10,000
	Portland (West), Oreg.	Curb, gutter, and sidewalk	3,500
	Salem, Oreg.	Curb, gutter, street paving, and underground drainage	5,500
	Ogden, Utah	Curb, gutter, sidewalk and street paving	7,500
	Provo, Utah	Sidewalk and street paving	7,500
	Salt Lake City No. 1	Sidewalk	1,000
	Everett, Wash.	Curb, gutter, sidewalk and street paving	5,500
	Seattle, Wash.	do	5,500
	Spokane, Wash.	do	5,500
	Tacoma, Wash.	do	2,500
	Wenatchee, Wash.	Curb, gutter, sidewalk and street paving, and underground drainage	15,000
Total estimated cost for United States			301,875

Mr. METCALF. Mr. President, since Colonel Sage's memorandum of January 3, 1963, the list supplied me has been found to contain one error. I have been told by Colonel Sage that subsequent investigations revealed that the project at Santa Fe, N. Mex., should not have been listed, so that project was deleted from the bill. I have asked the Department to verify the remainder of the list.

Mr. President, I believe that the Department of the Army has the responsibility of being a good neighbor—including sharing with his neighbors the cost of needed public improvements in the area of these reserve centers, rather than expecting his neighbors to pick up his tab.

DESIGNATION OF MARCH 16 OF EACH YEAR TO PAY TRIBUTE TO DR. ROBERT HUTCHINGS GODDARD

Mr. SALTONSTALL. Mr. President, I introduce, for appropriate reference, a bill which would set aside March 16 of each year as the day when we as a nation can appropriately pay tribute to the one American whose continuing efforts did more than any other's to usher mankind into the space age: Dr. Robert Hutchings Goddard, the father of modern-day rocketry.

We in Massachusetts are proud that one of our native sons pioneered advances in this important field. Dr. Goddard was born in Worcester, Mass., on October 5, 1882. There in 1899 his inquiring mind led him to conceive the possibility of a space ship which could fly from planet to planet. Only 17 at the time, he began to pursue a course of study and research which would lead him on March 16, 1926, to become the first to test and launch successfully a liquid-fuel rocket—the parent of all the Redstones and sputniks that will ever circle the earth. It is the anniversary of this event in Auburn, Mass., which I feel should be observed as a milestone in the development of modern rocket science.

Dr. Goddard studied at Worcester Polytechnic Institute and Clark University in Worcester, Mass. While still an undergraduate he submitted several essays on his technical theories of rocketry, all of which were regarded as mere speculative nonsense—theories which today are being translated into reality on both American and Soviet drawing boards. Despite public ridicule—the nickname of "Moony" was given him when his efforts were revealed to the press—Dr. Goddard continued his research, financed by grants from Smithsonian Institution and later from the Guggenheim Foundation. In the early thirties he conducted further experimental tests near Roswell, N. Mex., with a loyal crew of assistants, and was the first man ever to launch a liquid-fuel rocket which attained a speed greater than sound. Other firsts followed.

The results of his research were made public, but the only people who expressed any particular interest were German scientists. His ideas, offered to the U.S. military in 1940, received only courteous inaction. Not until 1944 when the German V–2 rocket hit London, did this country realize what a mistake had been made. The V–2 rocket was patterned largely after Dr. Goddard's work. If we had had the vision and foresight to capitalize on Dr. Goddard's revolutionary inventions 30 years ago when they were developed, instead of ridiculing him, there is no question that we would have had an unbeatable lead in today's space race.

Dr. Goddard died in 1945 and only today are the important contributions which he made to the whole era of space being recognized. In 1959 Congress voted to award him posthumously a gold medal for his work, and this was presented to his widow in 1961 on the occasion of the dedication of the Space Flight Center in Greenbelt, Md., in his name.

Dr. Robert Goddard may have been disappointed often, but he never became discouraged. He persevered despite serious obstacles which would have stopped a lesser man, for he was driven on by the dream he had had as a young man of space ships flying through space. The fact that the U.S. Government has recently paid $1 million to Dr. Goddard's estate for infringement of his patents dating back to 1912, in the building of both today's rockets and the experimental X–2's and X–15's, emphasizes the basic foundations which Dr. Goddard laid for today's rocket industry.

Thus it is only fitting and proper that we should honor this man who once said:

> The dream of yesterday is the hope of today and the reality of tomorrow.

His dream of yesterday has indeed become the reality of tomorrow.

We in Massachusetts are proud to pay tribute to a great man whose name will one day take its rightful place alongside those of other pioneers in the vast and mysterious world of science.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 656) to promote public knowledge of progress and achievement in astronautics and related sciences through the designation of a special day in honor of Dr. Robert Hutchings Goddard, the father of modern rockets, missiles, and astronautics, introduced by Mr. SALTONSTALL, was received, read twice by its title, and referred to the Committee on the Judiciary.

REDUCTION OF RETIREMENT AGE TO 60 YEARS FOR SOCIAL SECURITY

Mr. PROXMIRE. Mr. President, I introduce, for appropriate reference, a bill which is aimed at reducing to age 60 the retirement age for social security. However, the bill would not require an increase in social security taxes, because it would be coupled with a reduction by one-third in the benefits for those who retire at age 60. I have checked on this very carefully with the actuaries for the Social Security Administration, and they assure me that this change would leave the social security fund balanced.

Mr. President, in introducing this bill, I am aiming primarily at unemployment. No one would be forced to retire early; but those who did would offer job opportunities for unemployed younger workers, many of whom have growing families and desperately need a chance to work.

The persistent high level of unemployment across the country has become our number one economic problem, too easily overlooked because those who are working are enjoying relatively good times.

When people over 60 lose jobs through no fault of their own, they find it almost impossible to get new jobs. We can take them off the growing unemployment lists without added cost to the taxpayer or the economy by lowering the retirement age and the pension benefits in proportion.

If we can help solve the health and financial problems of the aged and at the same time provide jobs for cutting unemployment among younger workers, I see no reason in the world why we should not do it.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 663) to amend title II of the Social Security Act to lower from 62 to 60 the age at which benefits thereunder may be paid, with appropriate actuarial reductions made in the amounts of such benefits, introduced by Mr. PROXMIRE, was received, read twice by its title, and referred to the Committee on Finance.

SAFEGUARDING THE RIGHT TO VOTE

Mr. DODD. Mr. President, in behalf of the distinguished senior Senator from Kentucky [Mr. COOPER] and myself, I introduce, for appropriate reference, a bill to guarantee the constitutional voting rights of all persons seeking to vote in any Federal election; and I ask unanimous consent that the bill may be allowed to lie on the table for 10 days, so that additional Senators who so desire may add their names as cosponsors.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will lie on the table, as requested.

Mr. DODD. Mr. President, all Americans who believe in the free institutions of this country will affirm the right of every citizen to vote if that citizen meets the same requirements fulfilled by other voters in his State. This is the irreducible and unavoidable commitment to representative government and to the spirit of justice which must be made by anyone who believes in freedom and in the American Constitution. Yet, we know that in most of the 158 counties in 11 States having a population 50 percent or more Negro, less than 5 percent of the Negroes are registered voters.

For many years the question of voting rights has been snarled and entangled in all of the controversies attending the general problems of civil rights and States' rights. Conscientious legislators have been unable to act solely on the question of voting rights because that question has come before them clothed in side issues of great importance.

A Senator may oppose a particular piece of legislation because he feels it gives to the Federal Government power which is reserved to the States by the Constitution.

A Senator may oppose a proposition on the ground that it does away with voter qualifications which he believes are essential to good citizenship.

But no Senator will contend that it is lawful for any voting registrar to deny the vote to any qualified citizen through discriminatory administration of qualifying tests.

If those who have successfully opposed voting rights legislation in the past did so primarily because they felt it to be based on unconstitutional premises, it is the task of responsible men to devise a bill which will do the job in a way that is so clearly constitutional and so clearly in harmony with States rights that the bill cannot honestly be opposed on either ground.

In order to present this issue to the Senate unencumbered with divisive side issues, in order to clear away the thorny underbrush of constitutional dispute and give Senators a clean shot at the target of voting rights, the Senator from Kentucky [Mr. COOPER] and I have drafted a bill which involves neither a constitutional issue nor an attempt to alter voter qualification standards.

It provides simply that those standards presently applied in each State must be applied uniformly to all voter applicants; and since the investigations conducted by the Civil Rights Commission reveal that abuses in administering oral tests are among the most common means of discrimination, this bill sets up a procedure which will discourage this form of discrimination and speed the redress of it. That procedure would require that where an oral literacy test is given, a verbal transcript must be made and must be available to the applicant at his request. Under the existing provisions of the Civil Rights Act of 1960, this transcript would also be available to the Department of Justice.

There is no States rights issue involved here because this bill inherently recognizes that the States have the right to set voter qualifications.

There is no question of debasing standards because this bill does not presume to change the qualifications of any State; it merely provides that the law which exists must be administered uniformly to all.

The constitutionality of this bill rests upon the 14th amendment which provides that no State may deny to any person within its jurisdiction the equal protection of the laws; and upon the 15th amendment which says:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Both the 14th and 15th amendments provide that the Congress shall have the power to enforce these provisions by appropriate legislation. We offer such legislation today.

It should be acceptable to Congress because it is essentially a refinement of the Civil Rights Act which passed the Congress in 1960.

I believe that this bill presents to each Member of the Congress one question and one question only: "Do you or do you not believe that under the 14th and 15th amendments to the Constitution it is the responsibility of the Congress, insofar as Federal elections are concerned, to assure that the voter qualifications which have been established by each State be fairly and uniformly administered to all citizens?"

This legislation arose out of conversations between the able and distinguished senior Senator from Kentucky [Mr. COOPER] and myself.

I feel that great credit should go to the Senator from Kentucky for this bill, as we present it to the Senate today.

It is a bipartisan bill which is completely divorced from party politics.

It is a moderate bill which bypasses controversial positions held by those on each side of the civil rights dispute in order to find a basic common ground upon which all who truly believe in our Constitution can move forward.

This bill is offered, not as a gesture or a talking point, but as a proposal which we believe can win the support of every Member of Congress. If it does not win such support, the reasons must be different from those previously advanced.

We hope that it will win the favor of the Congress and that others will find in it an approach which can be successfully used to work out solutions, not only of the voting rights dilemma, but to other civil rights problems which divide the Congress and the country.

Mr. COOPER. Mr. President, I am glad to join today with the distinguished senior Senator from Connecticut [Mr. DODD] in the introduction of a bill to further secure and protect the voting rights of all citizens. The specific purpose of our bill is to prevent the discriminatory application of State voter qualification tests against citizens because of their race or color.

I subscribe to the eloquent statement of my colleague, Senator DODD, that—

> All Americans who believe in the free institutions of this country will affirm the right of every citizen to vote if that citizen meets the same requirements fulfilled by other voters in his State.

Last year the administration proposed, and the Senate considered for a time, a literacy test bill. The bill never came to a vote on its merits. Its purpose was laudable, but many of us believed that it was unconstitutional. We believed it to be unconstiutional because it assumed that Congress has the power to fix a qualification for electors—by providing that an applicant to vote who had "completed the sixth primary grade of any public school or accredited private school" should in effect be found to have fulfilled the literacy qualifications prescribed by State law.

I do not want to spend too much time in argument on constitutionality today, but I believe the heart of the argument of opponents of the administration bill was that article I, section 2 of the Constitution confers upon the States the power to prescribe qualifications for electors of Members of the House of Representatives, and that this power was affirmed with respect to the election of Senators by the 17th amendment to the Constitution. This power of the States has been upheld by the Supreme Court in many cases, to the extent that qualifications prescribed by the State are valid upon their face and are applied equally and fairly to all voter applicants.

Nevertheless, the Congress is not without power to safeguard and require the proper application of voting qualifications prescribed by the States. The 14th and 15th amendments to the Constitution specifically state that the Congress can enact—and Senator DODD and I believe, should enact—appropriate legislation to insure that State voting qualifications are applied equally and fairly to all citizens, and to prevent such qualifications being used discriminatorily against voters because of their race or color.

Some of the cases decided by the Supreme Court of the United States, and the reports of the Civil Rights Commission, show that in some States of our Nation voter qualifications, commonly called literacy tests, enacted by the States and valid upon their face, have been discriminatorily applied against Negro voters. It has also been shown that these tests are frequently applied to Negro voters orally by local officials, and that there is no official record of the test which would give the applicant evidence upon which to appeal the decision of State election officials. As my colleague, Senator DODD, has pointed out:

> In 158 counties in 11 States, having a population 50 percent or more Negroes, less than 5 percent of the Negroes are registered voters.

Our bill attempts to meet these problems in several ways, and by means which I think are constitutional and effective.

Curiously enough, although the Supreme Court of the United States has held on many occasions that voting practices, standards, and procedures must be applied equally to all citizens, Congress has never codified these findings into statutory law.

One provision of our bill would codify these holdings of the Supreme Court by providing that all standards, practices, and procedures, including tests, shall be applied equally and in the same manner to all applicants who seek voting privileges.

The second provision of our bill, as the Senator from Connecticut [Mr. DODD] has pointed out, is directed to the rather difficult problem of literacy tests—which depend on the decision of an election officer or registrar as to whether or not the applicant understands or comprehends some writing such as the State constitution or the Constitution of the United States. Of course, understanding and explaining a thing requires a subjective determination by an election official and perhaps, in some cases, by election officials who themselves could not meet the same test.

Our bill would require written literacy tests. Or, if an oral test is given, that the questions and answers be transcribed verbatim. This requirement

would enable an applicant whose vote had been denied, to have an official record upon which to base an appeal, and would also give to the Federal court a record upon which to base any action.

In this respect, our bill would harmonize with the 1960 Civil Rights Act, because that act requires that all records relating to any application to vote shall, be preserved for at least 22 months, and shall be available to the Attorney General and through him to the Federal district court. This provision, therefore, would fill a gap in the Civil Rights Act of 1960.

The third provision of our bill provides that any "error or omission" which is not material to determining whether an applicant is qualified under State law to vote in a Federal election, may not be used by election officials as a reason for denying the right to vote.

To give a simple example, the answer of an applicant as to his marital status, which does not bear upon the right to vote, has been seized upon in some cases by election officials to deny an applicant the right to vote.

I am sure that at some later date we will discuss the bill in more detail, but I should like at this time to join the distinguished Senator from Connecticut [Mr. DODD] in saying that we are not offering this bill as merely a gesture. Rather, we are offering it in the expectation that it will be considered by the appropriate committee, the Committee on the Judiciary; with the intention of presenting our views before that committee; and with the firm purpose of pressing for a vote in the Senate on the bill.

We believe our bill constitutional. We believe it is lawful. We believe that it would be effective.

I know that some will say, "You are placing upon the States which do not discriminate against voters a heavy burden by requiring that they keep a verbatim transcript of any oral test." I answer by saying that, in a practical way, most of the eligible voters in these States have already been declared qualified to vote, and that the provision requiring transcripts would apply only to new voters, who are coming of voting age, and to voters who in past years have been denied the right to vote because of discrimination.

However, even if this procedure were burdensome, and even if it were costly, I say, as the Senator from Connecticut has stated, it is not too heavy a burden to bear, considering the essential right of all citizens to vote and to have State requirements to vote applied equally to all prospective voters.

Another objection may be that the remedy provided by our bill will be too slow, or less effective than some apparently easier method, such as that proposed last year.

I answer that if a wrong is being done in this country, and if unlawful and unconstitutional procedures which discriminate between persons seeking the right to vote are being applied, then Congress must proceed in a constitutional way to stamp out an unlawful and unconstitutional wrong that is being used against voter applicants.

In my State of Kentucky, no educational qualifications are prescribed for voters. We have no literacy test. As far as I am concerned, if a State should decide that it should abolish its literacy test I think it would be no great loss, because in most instances a man's practical sense and judgment would suffice.

Nevertheless, the States have the right to fix voter qualifications under the Constitution. The purpose of our bill is to see to it that State standards and qualifications are applied without discrimination to all persons who seek the right to vote.

I am very glad to join with the Senator from Connecticut in introducing this bill, and I hope that Members from other States who have been interested in this problem may also wish to join in the bill we have developed together.

I thank the Senator from Mississippi for his kindness.

Mr. DODD. Mr. President, I ask unanimous consent that a copy of the bill, S. 666, be printed at this point in the RECORD, together with a brief explanation of its provisions.

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

THE DODD-COOPER EQUAL VOTING RIGHTS BILL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(a) The right to vote is fundamental to a free and democratic government and it continues to be the responsibility of the Federal Government to secure and protect this right against all discriminatory restrictions.

(b) The right to vote of many persons has been subjected to discriminatory restrictions on account of race or color; different standards and practices have been used extensively as a device for discriminatorily denying the right to vote to otherwise qualified persons; and laws presently in effect are inadequate to assure that all qualified persons shall enjoy this essential right without discrimination on account of race or color.

(c) The enactment of this Act is necessary to make effective the guarantees of the Constitution, particularly those contained in the Fourteenth and Fifteenth Amendments, by eliminating or preventing discriminatory restrictions on the right to vote which occur through the use of different standards and practices.

SEC. 2. Subsection (a) of section 2004 of the Revised Statutes, as amended (42 U.S.C. 1971), is amended by inserting "(1)" after "(a)" and by adding at the end thereof the following new paragraphs:

"(2) No person, whether acting under color of law or otherwise, shall, in determining whether any individual is qualified under State law to vote in any Federal election, apply any standard, practice or procedure which is different from the standards, practices, or procedures applied to any other individual. Nor shall the right of any individual to vote in any Federal election be denied by any person, acting under color of law or otherwise, because of any error or omission in any records or papers required by section 301 of the Civil Rights Act of 1960 to be retained and preserved, if such error or omission is not material in determining whether or not such individual is qualified under State law to vote in such election.

"(3) No person, whether acting under color of law or otherwise, shall impose any literacy test as a qualification for voting in any Federal election, unless, in administering and grading any such test, the standards, practices and procedures used to determine whether any individual is qualified under State law to vote are the same as those used to determine whether any other individual is qualified under State law to vote, and unless—

"(A) such test is administered to each individual in writing, or the questions asked of each individual and answers given by such individual are transcribed verbatim; and

"(B) a certified true copy of the test given to each individual and of the answers given by such individual is, upon written request, furnished to such individual within thirty days after the submission of such request.

"(4) For the purpose of this subsection—

"(A) the terms 'vote' and 'qualified under State law' shall have the same meaning as defined in subsection (e) of this section;

"(B) the term 'Federal election' means any general, special or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico;

"(C) the term 'literacy test' includes any test of the ability of an individual to read, write, understand or interpret any matter;

"(D) the term 'State' includes the District of Columbia and the Commonwealth of Puerto Rico."

EXPLANATION OF DODD-COOPER BILL TO SECURE EQUAL VOTING RIGHTS

To protect the rights of an individual seeking to vote in Federal elections, the Cooper-Dodd bill would prohibit:

1. The use of any standard, practice, or procedure which is different from that used by the registrar or election official (or other person) in determining whether other individuals are qualified under State law to vote. (The provision applies to literacy tests, registration and voting.)

2. The use of an error or omission to deny the right to vote—unless the error or omission is material to a requirement for voting established under State law. (The provision applies to the registration application and to any other paper or record required in order to vote.)

3. Literacy tests unless—

(a) The same practices are followed in administering and grading the tests of all individuals;

(b) The test is given in writing, or the questions and answers are transcribed verbatim; and

(c) Upon request, a certified true copy of the questions and answers given is furnished to the individual within 30 days.

The bill is directed to voting in Federal elections; that is, any general, special, or primary election in which a candidate for President or the Congress is elected or selected.

The voting-rights enforcement procedures of the 1957 and 1960 Civil Rights Acts would be applicable to the provisions of this bill.

Mr. STENNIS. Mr. President, I ask unanimous consent that the remarks of the Senator from Connecticut and the Senator from Kentucky be inserted in the RECORD at the conclusion of my remarks today.

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

PROPOSED LEGISLATION RELATING TO INTERSTATE COMMERCE

Mr. MAGNUSON. Mr. President, by request of the Interstate Commerce Commission, I introduce, for appropriate reference, 12 bills designed to carry out

the legislative recommendations set forth in the 76th annual report of the Commission. I ask unanimous consent that a statement of justification of each bill, prepared by the Commission, be printed in the RECORD.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the statements of justification will be printed in the RECORD.

The bills, introduced by Mr. MAGNUSON, by request, were received, read twice by their titles, and referred to the Committee on Commerce, as follows:

S. 674. A bill to amend paragraph (10) of section 5 of the Interstate Commerce Act so as to change the basis for determining whether a proposed unification or acquisition of control comes within the exemption provided for by such paragraph.

JUSTIFICATION ACCOMPANYING SENATE BILL 674

The attached draft bill would provide a more reliable criterion for determining whether a proposed unification or acquisition of control involving only motor carriers comes within the exemption of subsection (10) of section 5 of the Interstate Commerce Act.

One of the tests for determining whether a proposed transaction is exempt from the requirements of section 5 is whether or not the aggregate number of motor vehicles owned, leased, controlled, or operated by the parties, for purposes of transportation subject to part II of the act exceeds 20. In applying this test, numerous questions have arisen as to whether certain vehicles should or should not be included, as, for example, (a) those used in intrastate commerce, exempt transportation, or private carriage, but which are available or suitable for regulated interstate service, (b) equipment of noncarrier affiliates, (c) vehicles leased for short periods, (d) disabled vehicles, and (e) combinations of vehicles. The amount of time and effort expended in establishing the number of vehicles on which jurisdiction depends, has, where the question is close, proved to be disproportionate to the benefits intended by the exemption. Moreover, in many instances, it has been virtually impossible to check whether the exemption was, in fact, applicable to transactions purportedly consummated thereunder.

The proposed amendment would substitute a more definite and practical basis for the exemption. Gross operating revenues are, in most cases, readily ascertainable from the annual reports which, with certain exceptions, are required of all for-hire carriers, and the quarterly reports required of such carriers with average gross revenues of $200,000 or more. On the basis of a limited study, it appears that the proposed $250,000 restriction on the exemption corresponds roughly to the present scope of the exemption in paragraph (10).

S. 675. A bill to amend section 19a of the Interstate Commerce Act to eliminate certain valuation requirements, and for other purposes.

JUSTIFICATION ACCOMPANYING SENATE BILL 675

The purpose of the attached draft bill is to eliminate or make optional certain mandatory valuation requirements which are no longer considered necessary or appropriate to the proper performance of the regulatory functions of the Interstate Commerce Commission. Foremost among these are the requirements (1) that the Commission determine the present value of carrier land holdings, and (2) that the Commission keep itself informed of changes in the quantity of the property of carriers following the completion of the original valuation of such property.

The requirement that the Commission determine the present value of land was appropriate in finding original property valuations under an earlier concept which also gave consideration to the reproduction cost of property other than land. Accounting methods have changed, however, and today the concept of "reproduction cost" generally is in disuse. In this respect, it is significant that the Commission, in establishing a base for measuring rate of return for railroads, now uses the original cost of property other than land less depreciation thereon as shown on the books of the carrier, and to this sum is added an allowance for working capital and the estimated present value of land. Clearly, this computation would be more consistent if the original cost of land were substituted for a determination of present value. Of even greater importance, however, is the fact that the benefits derived from the availability and use of present value data are extremely meager in comparison with the large sums of money which continually must be expended in conducting field appraisals of land used in carrier operations if such data is to be kept reasonably current.

Also significant here is the fact that the courts have recognized the desirability of enabling regulatory agencies to exercise broad discretion in the selection of a rate base. Thus, in *Federal Power Commission* v. *Natural Gas Pipeline Co.*, 315 U.S. 586 (1942), the Supreme Court held that "the Constitution does not bind ratemaking bodies to the service of any single formula or combination of formulas" and in *Federal Power Commission* v. *Hope Natural Gas Co.*, 320 U.S. 602 (1944), the Court amplified its opinion in the Natural Gas Pipeline Co. case by holding that "it is not the theory but the impact of the rate order which counts. If the total effect of the rate order cannot be said to be unjust and unreasonable, judicial inquiry under the act is at an end. The fact that the method employed to reach that result may contain infirmities is not then important."

At the present time, by virtue of regulations issued by the Commission pursuant to the mandatory requirement in section 19a(f) of the Interstate Commerce Act, railroads and pipeline companies must report annually the number of units of property acquired or retired during the year. This information formerly was used in determining the cost of reproduction of such property. As indicated above, however, the concept of reproduction value is no longer a dominant consideration in the determination of a rate base for railroads; and, in this circumstance, we believe that this reporting requirement represents an unnecessary burden upon such carriers.

On the other hand, the situation with respect to the reporting of units of property changes by pipeline carriers is unlike that of the railroads. The Commission finds property valuations for pipeline carriers each year; and, in this process, property units are used in the development of the cost of reproduction—new, an element which is considered by the Commission in arriving at the rate base. For this reason, we recommend that, in lieu of repeal, the mandatory requirement in section 19a(f) be made optional as the needs of the Commission dictate.

The Commission has made adequate provision for the proper accounting and financial reporting of noncarrier property, and the value of such property is not considered for valuation or ratemaking purposes. Therefore, we see no need to value noncarrier property as is presently required by the third subparagraph of section 19a(b) of the act.

Insofar as aids, gifts, grants, and donations are concerned, practically all property in this category is of record in the original valuations found by the Commission for railroads. The significance of this information has diminished over the years, and carriers have long since discontinued the granting of concessions in the form of land-grant rates in consideration of such gratuities. Accordingly, the draft bill would also repeal subparagraph "Fifth" of section 19a(b) of the act.

Enactment of this draft bill would, in our opinion, result in a considerable saving to the railroad industry and, in principal effect, would eliminate a statutory requirement no longer necessary nor feasible because of the magnitude of the undertaking necessary to keep reasonably current.

S. 676. A bill to authorize the Interstate Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between motor common carriers of property, and between such carriers and common carriers by rail, express, and water, and for other purposes.

JUSTIFICATION ACCOMPANYING SENATE BILL 676

The attached draft bill would amend the Interstate Commerce Act to authorize the Interstate Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between common carriers of property by motor vehicle and between such carriers and common carriers by railroad, express, or water when required in the public interest.

At present, the only common carriers of different modes which may be required by the Commission to establish through routes and joint rates with each other are railroads, pipelines, and express companies subject to part I of the act, and railroads subject to part I and common carriers by water subject to part III. The only intramodal joint-rate arrangements that may be required by the Commission are between railroads, pipelines, and express companies, respectively, subject to part I, common carriers of passengers by motor vehicle subject to part II, and common carriers by water subject to part III. Common carriers of property by motor vehicle subject to part II are permitted, but may not be required to enter into joint-rate arrangements with other such carriers or with common carriers of other modes, nor, on the other hand, may common carriers of other modes be required to establish through routes and joint rates with motor carriers.

With the growth of the Nation's economy, the expansion of the motor carrier industry, and technological improvements in the transportation field, greater stress has been placed upon the importance of having a more coordinated national transportation system. Of fundamental importance to the accomplishment of this end is the establishment of through routes and joint rates within and between the various modes of carriage. It follows, therefore, that in many instances the failure or refusal of carriers to enter into such arrangements is contrary to the public interest in the furtherance of a more coordinated national transportation system.

The availability of through routes and joint rates inures to the benefit of the shipping public in numerous ways. It enables a shipper to make one contract with the originating carrier on behalf of all carriers participating in the arrangement. In addition, the shipper may ascertain the rate for a through movement by consulting a single tariff instead of many. Both shipper and consignee also have the advantages provided by section 20(11) and similar provisions in other parts of the act of recovering from either the originating or delivering carrier for loss or damage caused by any carrier participating in the through movement. Moreover, experience has shown that because of the economy of established channels of commerce through which substantial amounts of traffic may flow, and reduced freight rate calculation costs, joint rates are generally lower than a combination of local rates of connecting carriers not par-

ticipating in such through service arrangements.

In the case of through routes among motor common carriers of property, most of the regular-route, general-commodity motor carriers participate in agency tariffs and are parties to the joint rates published therein. Such arrangements are, however, entered into on a permissive basis and are subject to termination at any time, a situation which is not conducive to the maintenance of dependable joint-line service. In addition, the tariffs filed under such voluntary joint-rate arrangements contain many restrictions as to individual carriers, thereby limiting the through routes and joint rates as to carriers and to points of interchange.

In the absence of such voluntary joint-rate arrangements among motor common carriers of property, the only way in which the Commission may provide for through motor carrier service is by granting extensions of operating rights to existing carriers or by approving consolidations and mergers of connecting carriers. The granting of such extensions is not always desirable, however, since it may result in a surplusage of carriers over certain routes.

Many shippers have demonstrated their reluctance to rely on voluntary arrangements by prevailing upon motor carriers to file applications to extend their operating authority to include every point to which the shipper's traffic moves. Shippers justify their position, in many instances, by claiming that they are entitled to hold one carrier responsible for the safe and efficient transportation of their freight. Although a need for expeditious service is also frequently asserted, instances are relatively few in which it is successfully established that the use of multiple-line service results in delays of material consequences. Most of these applications are denied, but in many cases, the Commission finds it necessary to grant authority because of the failure of connecting carriers to adduce evidence of their willingness and ability to participate in joint-line service.

For many years railroads and motor carriers were reluctant to enter into through route and joint-rate arrangements. While, in recent years, there has been some relaxation of this attitude on the part of the carriers, especially with the growth of "piggyback" service, such arrangements are, as in the case of those between motor common carriers of property, entered into on a permissive and voluntary basis subject to termination at any time. Here again the lack of any obligation on the part of the carriers to continue in effect such joint through route arrangements is not conducive to the maintenance of dependable joint-line service.

Although no serious problems appear to have arisen in connection with the establishment of through routes and joint rates between common carriers by water and motor common carriers of property, the fear of collapse of such arrangements because of their permissive and voluntary nature is, of course, always present. The draft bill would therefore give the Commission authority to require the establishment and maintenance of such arrangements when required by the public interest.

Enactment of this proposed measure would permit the Commission, in proper cases, to compel the establishment and maintenance of dependable joint-line service responsive to the needs of the shipping public, and, at the same time, protect the carriers from unfair or unreasonable demands to provide through service. It would also have the effect of according greater equality of treatment in the regulation of the carriers of the various modes. In addition, we believe that it would be consistent with and in furtherance of the President's announced policy of encouraging and promoting through service and joint rates between all modes of transportation as carried forward in section 4(a) of S. 3242 and H.R. 11584 of the 87th Congress.

S. 677. A bill to amend sections 203(b)(5) and 402(c) of the Interstate Commerce Act to provide for the issuance of certificates of exemption upon application and proof of eligibility, and for other purposes.

JUSTIFICATION ACCOMPANYING SENATE BILL 677

The purpose of the attached draft bill is to enable the Interstate Commerce Commission to cope more effectively with the unlawful activities of various groups and organizations which are siphoning off substantial amounts of traffic from authorized carriers by performing general transportation services under the guise of exempt agricultural cooperatives and shipper associations. This would be accomplished by the establishment of a procedure whereby agricultural cooperatives and shippers' associations would be required to show, in the first instance, that they are entitled to exempt status under sections 203(b)(5) and 402(c) of the act, respectively, and by granting the Commission specific authority to examine the books and records of such cooperatives and associations.

For some time the Interstate Commerce Commission has been concerned with the relative decline of the Nation's common carrier industry. Several traffic studies clearly reveal that common carriers have lost considerable traffic which they formerly handled and, at the same time, have been unable to share proportionately in the additional traffic generated by the Nation's expanding economy. One such study, for example, showed a decline in the common carrier's share of total intercity ton-miles from 75.4 percent which they enjoyed in 1939 to only 67.5 percent in 1959. Projecting this trend to 1970, a further decline to between 60.8 and 63.8 percent was forecast.

This decline is essentially a result of the growth of unregulated private and exempt carriage. It is also attributable, however, to the growth of unauthorized and illegal carriage inimical to the public interest. The Commission has recommended in its annual reports to the Congress and in testimony before a subcommittee of the Senate several courses of action, including the instant proposal, designed to halt this steady rise in the volume of traffic handled by illegitimate private and exempt carriers to the detriment of the authorized carriers.

Under section 203(b)(5) of the act, motor vehicles controlled and operated by agricultural cooperatives, or by a federation of such cooperatives, are exempt from the Commission's economic regulation provided the cooperatives meet certain qualifying criteria as defined in the Agricultural Marketing Act of 1929 (12 U.S.C. 1141). In addition, section 402(c) of the act exempts from regulation under part IV, applicable to freight forwarders, the activities of shippers' associations which consolidate or distribute freight for their members on a nonprofit basis to secure the benefits of volume rates. These exemptions are, in our judgment, a breeding ground for multifarious schemes to avoid the obligations which must be assumed by for-hire carriers subject to the Commission's economic regulation.

While the number of groups and organizations claiming exemption as agricultural cooperatives or shippers' associations has grown considerably in the last 10 to 15 years, the Commission is not presently equipped with authority effective enough to weed out those which are not entitled to the exemption or to prevent other such persons from commencing operations. It is only after such operations have been initiated that the Commission, on its own motion or upon complaint, may now institute an investigation to determine whether the operations are, in fact, lawful. In such an investigation, the Commission has the duty and responsibility of assembling and analyzing all facts pertaining to the respondent's operations. Although the information necessary to discharge this responsibility is often available only from the respondent's records, the Commission has no specific authority to inspect them. Thus, if the Commission is unable to gain access to the records, the investigation becomes futile, unless, through indirect and cumbersome means, scraps of information relating to the respondent's operations can be uncovered elsewhere.

It should be noted also that in some cases operators, upon being investigated and pressed as to their status under the exemptions, have merely suspended the questionable operation and resumed service under a somewhat changed modus operandi and usually a different name. The same result frequently occurs after the Commission has issued a cease and desist order.

These factors have made it extremely difficult for the Commission to police effectively operations commenced under the agricultural cooperative and shippers' association exemptions.

Under the proposed legislation the applicant would have the burden of showing his eligibility for exemption. This, it is felt, would serve as a deterrent to the institution of operations by unqualified organizations. The certificate issued to a qualified agricultural cooperative would be revocable if the holder thereof ceased to be a cooperative association as defined in the Agricultural Marketing Act of 1929 or the transportation activities in which it engaged were no longer within the meaning and scope of section 203(b)(5). Similarly the certificate issued to a shippers' association would be revocable if the operations of the holder thereof ceased to be that of a group or association of shippers within the meaning of the exemption provided by section 402(c)(1). Any organization operating under either of the exemptions on the date of enactment of the proposal, or during the year 1962, would be permitted to continue its operations thereunder without a certificate for 120 days after the date of enactment, and, if application for a certificate is made within such period, it could continue to operate pending a determination of the application unless otherwise ordered by the Commission.

In addition, the recommended legislation would specifically empower the Commission, under section 403(f), to investigate the operations of shippers' associations to determine their compliance with the provisions of part IV or with any requirement established pursuant thereto. The Commission's authority under this section to investigate the operations of a freight forwarder has been construed to exclude shippers' associations. Legislation of a similar nature is not required to authorize the Commission to investigate the operations of agricultural cooperatives since section 204(c) respecting investigations of motor carriers and brokers has been applied to agricultural cooperatives.

It is not the purpose of the proposed measure to interfere in any way with the legitimate operations of bona fide agricultural cooperatives and shippers' associations under the exemptions provided in the Interstate Commerce Act. It is, however, designed to enable the Commission to cope more effectively with groups and organizations using these exemptions as a device to engage in unlawful transportation activities.

It is therefore recommended that this proposal be given early and favorable consideration by the Congress.

S. 678. A bill to amend the Interstate Commerce Act in order to provide civil liability for violations of such Act by common carriers by motor vehicle and freight forwarders.

JUSTIFICATION ACCOMPANYING SENATE BILL 678

The attached draft bill would amend sections 204a and 406a of the Interstate Commerce Act, which relate to actions at law for the recovery of charges by or against common carriers by motor vehicle and freight forwarders, so as to make such carriers liable for the payment of damages to persons, including the United States as a shipper, injured by them as a result of violations of parts II and IV of the act, respectively. It would also give to an injured party the choice of pursuing his remedy either before the Commission or in any district court of the United States of competent jurisdiction. Appropriate periods of limitation are provided with respect to the commencement of such actions or proceedings.

At present, such liability exists, and such remedy is provided, only with respect to violations by railroads and other carriers subject to part I and by water carriers subject to part III of the act. Prior to the decision of the Supreme Court in *T. I. M. E. Inc. v. United States*, 359 U.S. 464, May 18, 1959, the Commission, upon petition, made determinations of the reasonableness of past motor carrier rates on the assumption that the petitioner was entitled to maintain an action in court for reparations based upon the unreasonableness of such rates. However, in that case, the court ruled that a shipper by a motor common carrier subject to part II cannot challenge in postshipment litigation the reasonableness of the carrier's past charges made in accordance with applicable tariffs filed with the Commission. A shipper, therefore, is without remedy for injury arising from the application of an unreasonable rate. Since the pertinent provisions of part IV are similar to those under part II, a shipper by freight forwarder subject to part IV is in the same plight.

The motor carrier industry has attained stature and stability as one of the chief agencies of public transportation, handling a substantial volume of the Nation's traffic. It seems appropriate, therefore, that shippers should have the same rights of recovery against motor carriers as they have against rail and water carriers for violations of the act.

The need for the relief proposed is evidenced by the number of proceedings instituted by shippers for redress against motor common carriers prior to the decision in the T.I.M.E. case. During the years ended June 30, 1958 and 1959, for example, 20 and 14 formal complaints or petitions, respectively, were filed to secure the Commission's determination of the reasonableness of established motor carrier rates ancillary to court actions for the recovery of reparations. During the calendar year 1958, a total of 101 informal complaints were filed against motor carriers claiming damages for unreasonable rates and practices. In 1950 only 10 such complaints were handled by the Commission, but by 1954 the number had risen to 110. Prior to the decision in the T.I.M.E. case, adjustments of such complaints were negotiated, in appropriate cases, by an informal and inexpensive procedure involving informal conferences and correspondence with the parties. Many informal complaints, however, were found not to be susceptible of adjustment by such means. If the Commission had then been vested with the requisite authority, the filing of formal complaints seeking awards of reparations probably would have followed, as is now the practice under parts I and III of the act. In this connection it should be noted that reparation procedures before the Commission are more simple and less expensive than actions in court to attain the same end. It may be anticipated, therefore, that although both the courts and the Commission would be authorized under the proposed amendments to award reparations, shippers would prefer resort to the Commission since the reasonableness of the rates involved would, under the provisions of the act, have to be determined by it upon referral of the question by the court.

While experience under part IV has not shown an important need for a provision authorizing awards of reparations against freight forwarders, it seems desirable and logical to have all four parts of the act uniform in this respect. Appropriate amendments to section 406a have therefore been included in the draft bill.

For the reasons set forth above, the Commission recommends early consideration and enactment by the Congress of this proposed measure.

S. 679. A bill to amend section 204(a)(3) of the Interstate Commerce Act respecting motor carrier safety regulations applicable to private carriers of property.

JUSTIFICATION ACCOMPANYING SENATE BILL 679

The attached draft bill would make it clear that regulations prescribed by the Interstate Commerce Commission respecting safety of operations of motor vehicles are applicable to private carriers of property.

Section 204(a)(3) of the Interstate Commerce Act authorizes the Commission to establish for private carriers of property by motor vehicle "reasonable requirements to promote safety of operation, and to that end prescribe qualifications and maximum hours of service of employees, and standards of equipment." Pursuant to these provisions, the Commission has, since 1940, prescribed rules and regulations for the safe operation of the equipment of such carriers, including the safe transportation of explosives and other dangerous articles. In *United States v. Pacific Power Co.*, however, the U.S. District Court for the District of Oregon on August 25, 1960, dismissed all 191 counts of an information on the ground that the Commission has no authority under the aforementioned provisions of section 204(a)(3) to regulate private carriers except as to standards of equipment and qualifications and maximum hours of service of employees.

The Pacific Powder Co. case involved a private carrier whose truck, loaded with dynamite and nitro carbo nitrate, was left unattended in a downtown area of Roseburg, Oreg. During the night a fire, which had broken out in several nearby trash cans, spread to the truck. The truck exploded. Thirteen people were killed and about 125 others were injured. In addition, eight or nine city blocks were almost completely destroyed and property damage was estimated to be between $10 and $12 million. The Department of Justice declined to appeal the decision.

The 1960 amendments to the Transportation of Explosives Act, which made that act applicable to private carriers, will probably preclude the specific problem involved in the Pacific Powder Co. case from arising in the future. However, if allowed to stand, the decision in that case will have a seriously adverse effect on other aspects of motor carrier safety of operations regulations insofar as private carriers of property are concerned. For example, under this decision the Commission's regulations against driving at speeds exceeding those prescribed by the jurisdiction in which the vehicle is being operated and against unsafe loading would no longer apply to private carriers. Also no longer applicable to such carriers would be the Commission's regulations respecting the safe parking and fueling of vehicles, of stopping when involved in an accident and rendering assistance to injured persons, and against transporting unauthorized persons. In addition, there are certain other safety regulations which, although considered by the Commission still to be applicable to such carriers, are now subject, as a result of the decision, to a contrary holding by a court. Included in this gray area are the Commission's regulations prohibiting driving while under the influence of alcohol or while ill or fatigued and its regulations prescribing the use of compulsory equipment such as taillamps, low beams on headlights, flares, and lanterns. In the latter connection it should be noted that without the power to prescribe regulations for the safe operation of vehicles, the Commission is placed in the awkward position of being able to require certain standards of equipment but of being unable to prescribe the manner of their use.

As of June 15, 1962, there were an estimated 82,152 private carriers of property operating 771,864 vehicles in interstate commerce in the United States, not including Hawaii. By comparison there were, as of the same date, 18,587 for-hire carriers, not including carriers of exempt commodities, operating 923,725 vehicles in interstate commerce in this country, excluding Hawaii. With this number of vehicles on the Nation's highways, the incidence of exposure to accidents is very great. This, coupled with the fact that the size and weight of vehicles have steadily increased and that authorized speed limits often reach 60 miles per hour amply illustrates the importance of making it clear in the statute that the Commission's regulations respecting safety of operations are just as applicable to private carriers of property under section 204(a)(3) of the act as they are to common and contract carriers under section 204(a)(1) and (2) thereof.

The following brief descriptions of several recent accidents involving private carriers of property illustrate even more vividly the necessity of making it clear that such carriers are subject in full measure to the Commission's motor carriers safety regulations:

On July 18, 1960, a tractor-semitrailer combination operated by a private carrier, transporting a dismantled merry-go-round, went out of control while descending a long grade into Westfield, N.Y. The truck collided with a station wagon, knocked down a large tree, and smashed into a brick church. The driver of the station wagon was killed, the truckdriver and his helper were injured, and property damage amounted to $46,000. Safety regulations violated, among others, were those relating to driving while ill or fatigued and against consuming alcoholic beverages while on duty.

On January 25, 1961, a tractor-semitrailer combination transporting over 29,000 pounds of fresh and canned meats, allegedly as a private carrier, collided with a postal van near Knoxville, Ill. Two fatalities, three injuries, and approximately $40,000 damage to property resulted therefrom. The investigation report indicated that this accident was caused by the driver of the commercial vehicle who, among other things, was operating in violation of the Commission's safety regulation prohibiting the driving of such vehicles by persons who are ill or fatigued.

On February 13, 1961, near Fosters, Ohio, a tractor-semitrailer combination operated by a private carrier hauling over 27,800 pounds of pipe joints struck a passenger car traveling in the opposite direction. The accident resulted in three fatalities, one injury, and $10,000 property damage. The investigation report of the accident cited the prohibition against the driving of commercial vehicles until the driver has satisfied himself that certain parts and accessories are in good working order as one of the Commission's safety regulations that had been violated.

Since the decision in the Pacific Powder Co. case may establish a precedent for decisions in other district courts, the Commission is of the view that the public interest requires early congressional consideration and enactment of this proposed measure.

S. 680. A bill to amend section 212(a) of the Interstate Commerce Act, as amended, and for other purposes.

JUSTIFICATION ACCOMPANYING SENATE BILL 680

The purpose of the attached draft bill is to subject motor carrier operating authorities to suspension, change, or revocation for willful failure to comply with any rule or regulation lawfully prescribed by the Commission and to provide uniformity between parts II and IV of the Interstate Commerce Act with respect to revocation procedure. It is also designed to permit suspension of motor carrier operating rights, upon notice, for failure to comply with the Commission's insurance regulations.

As section 212(a) of the act now reads the Commission cannot suspend or revoke a certificate except for failure to comply with the provisions of part II "or with any * * * regulation of the Commission promulgated thereunder * * *." The Commission has found this language to be unduly restrictive upon its enforcement powers. For example, regulations prescribed under the Transportation of Explosives Act do not come within the category of regulations promulgated under any provision of part II of the Interstate Commerce Act. The Commission is therefore powerless to suspend or revoke the certificate of any carrier for violations of the Explosives Act or any regulations prescribed thereunder, irrespective of how willful such violations may have been. However, by simply changing the words "of the Commission promulgated thereunder" to "promulgated by the Commission," as proposed in the attached draft bill, the Commission would be able to revoke or suspend certificates for willful or continued noncompliance with any of its lawful rules and regulations. Enactment of this recommended amendment would thus enable the Commission to cope more effectively, in the public interest, with serious violations of any of its applicable rules or regulations and not only those promulgated under part II of the Interstate Commerce Act.

Under the first proviso of section 410(f) of the act, a freight forwarder's permit may be revoked if the holder thereof fails to comply with an order of the Commission commanding compliance with the provisions of part IV, a rule or regulation issued by the Commission thereunder, or the terms, conditions, or limitations of the permit. The failure of a motor carrier to obey such compliance order under the corresponding provisions in section 212(a), however, must be shown to have been willful before its certificate or permit may be revoked. Once disobedience of a compliance order is established, an additional showing of willfulness should not be required. Proof of disobedience should be sufficient. Accordingly, the proposed change would affect only the quantum of proof, and would make motor carrier operating rights revocable in the same manner as freight forwarded operating rights under section 410(f).

The second proviso in section 212(a) provides for the suspension, upon notice, but without hearing, of motor carriers' and brokers' operating authorities for failure to comply with brokerage bond regulations and tariff publishing rules. It does not, however, provide for suspension on short notice for failure to maintain proof of cargo, public liability, and property damage insurance under section 215. As previously indicated, section 410(f) is a counterpart of section 212(a) and contains a provision similar to the second proviso of section 212(a). The second proviso in section 410(f), however, provides for suspension on short notice of freight forwarder permits for failure to comply with the cargo insurance provisions under section 403(c) and the public liability and property-damage insurance provisions under section 403(d).

From the standpoint of the traveling and shipping public there is as much reason to require motor carriers to keep their cargo and public liability and property damage insurance in force as there is to require freight forwarders to keep their insurance in effect. It is therefore desirable to the public interest that the Commission have the authority to suspend motor carrier rights, on short notice, when insurance lapses, or is canceled without replacement, until compliance is effected. The prospect of such action by the Commission should act as a deterrent to violations of this nature. An investigation under section 204(c) is not a satisfactory answer to the problem since such a proceeding may be somewhat lengthy and the public may be adversely affected should losses occur while it is pending.

The proposed change in section 204(c), which relates to investigations and the issuance of compliance orders, would bring that section into conformity with the suggested amendment to section 212(a) by similarly removing the restrictive nature of the present wording.

The amendments proposed in this draft bill would enable the Commission to administer the enforcement provisions of part II of the act more effectively.

S. 681. A bill to amend section 222(b) of the Interstate Commerce Act with respect to the service of process in enforcement proceedings, and for other purposes.

JUSTIFICATION ACCOMPANYING SENATE BILL 681

The attached draft bill would provide the Interstate Commerce Commission with a more effective means of enforcing the motor carrier provisions of the Interstate Commerce Act.

Under section 222(b) of the act the Commission is authorized to institute proceedings to enjoin unlawful motor carrier or broker operations or practices in the U.S. district court of any district in which the carrier or broker operates. Rule 4(f) of the Federal Rules of Civil Procedure, however, limits the service of process in such proceedings to the territorial limits of the State in which the court sits.

In many instances the carriers against whom it is necessary to seek injunctions do not hold operating authority from the Commission and they have not, of course, designated an agent for the service of process as provided in section 221(c) of the act. The operations of such carriers are frequently widespread and it is often desirable to institute the court action in the State where most of their services are performed. This is usually the most convenient place for the majority of persons involved, including necessary witnesses. The illegal operator, himself, however, may avoid service of process by remaining outside of the State and by not stationing within its borders anyone qualified to receive service on his behalf.

Coping with the problem of unlawful operations is further complicated when a large shipper is involved. An injunction against one or several relatively small carriers without the shipper being named permits the shipper to continue his unlawful activities by using individual truckers or small carriers against whom no previous action has been taken. It is therefore frequently desirable and often critically important, that such shipper, as well as the carriers, be enjoined from participating in further violation of the law or the Commission's rules and regulations thereunder. In some instances, however, the Commission has been unable to obtain service of process upon both the carriers and the shipper because they were not located within the territorial limits of the same State.

The decision of the court in *Interstate Commerce Commission* v. *Blue Diamond Products Company* (192 F. 2d 43), precludes the Commission from proceeding against a shipper without proceeding against the carrier. The Commission does not disagree with the principle of that case. However, it is of the view, and the draft bill would so provide, that it should be able to institute a civil action against a carrier in any State in which the carrier operates and to join in such action any shipper, or any other person participating in the violation, without regard to where the carrier or the shipper or such other person may be served.

The problem presented has been particularly troublesome in the efforts of the Commission to control so-called pseudo private carriage, i.e., for-hire carriers claiming, without basis, to be engaged in private transportation for the purpose of evading the economic regulation to which common and contract carriers are subject. The seriousness of these unlawful operations was recognized by the Congress when, as a part of the Transportation Act of 1958, it amended section 203(c) of the Interstate Commerce Act so as to more clearly define what constitutes bona fide private carriage. However, because of the inability of the Commission, under present law, to get both the responsible shipper and the carrier before the court, its efforts at effective enforcement is, in many cases, thwarted.

The proposed amendment would make more effective the original intent of the Congress in enacting section 222(b) and would aid the Commission substantially in its efforts to administer and enforce the act.

In order to make the provisions of section 222(b) harmonize with changes recommended by the Commission in section 212(a) of the act (See Legislative Recommendation No. 10, 76th Annual Report), the draft bill further provides that section 222(b) shall apply to any lawful rule, regulation, requirement, or order promulgated by the Commission.

At present, the pertinent provision of section 222(b) refers only to rules, regulations, requirements, or orders promulgated under part II of the act.

S. 682. A bill to make the civil forfeiture provisions of section 222(h) of the Interstate Commerce Act applicable to unlawful operations and safety violations by motor carriers, and for other purposes.

JUSTIFICATION ACCOMPANYING SENATE BILL 682

The purpose of the attached draft bill is to provide the Interstate Commerce Commission with a more effective means of coping with the spread of illegal and so-called gray area motor carrier operations which are undermining the strength of the Nation's regulated common carrier system. It is also designed to buttress the Commission's intensified motor carrier safety enforcement program.

Under existing law, procedures for dealing with certain motor carrier violations are often slow and cumbersome, and frequently ineffective. Criminal prosecutions, for example, must be brought in the district in which the violations occurred. Thus, in the case of multiple violations by a carrier with extensive territorial operations it may be necessary to institute separate actions in several district courts if all of the violations are to be covered. Civil forfeiture proceedings, on the other hand, may be instituted in the district in which the carrier maintains its principal office, where it is authorized to operate, or where it can be found. Moreover, less time is needed for investigating violations because of the difference in quantum of proof require in such proceedings.

Under the proposed amendment a civil forfeiture action could be brought against a for-hire motor carrier for transporting property without a required certificate or permit. Such action would be available whether or not the carrier had taken steps to give the operation an appearance of legality, but the principal enforcement advantage that would accrue would be when the operator, by means of an alleged vehicle lease or an alleged purchase of the commodity hauled, has attempted to give the

operation an appearance of private carriage. More specifically, an owner of a vehicle may enter into a vehicle lease arrangement with a manufacturer under which the manufacturer allegedly uses the vehicle in private carrier operations. Such arrangements range all the way from a bona fide lease of a vehicle, at one extreme, to an obvious sham at the other. No enforcement action is, of course, involved in the case of a bona fide lease. The obvious shams, however, are the subject of criminal prosecution.

While there are a number of vehicle arrangements which the Commission believes to be illegal for-hire carriage by the vehicle owner, it is doubtful that a criminal conviction could be secured because of the necessity of showing knowledge and willfulness and proving guilt beyond a reasonable doubt. In addition, in a criminal proceeding there can be no appeal from an acquittal. Such cases are now handled in the civil courts, but an injunction against such operations in the future is all that can be secured. The possibility of a civil injunction action, where there is no pecuniary penalty or criminal stigma involved, has very little effect as a deterrent to would-be violators. A civil forfeiture action, such as that proposed, carrying with it substantial monetary penalties should, on the other hand, have a strong deterrent effect against questionable leasing arrangements.

Operations sometimes referred to as "buy and sell" operations are very similar in effect. By allegedly purchasing merchandise the transporter represents the operation to be private carriage. As in the case of leasing arrangements these operations have many variations, some of which present close questions as to whether the operation constitutes for-hire carriage. Some are obviously illegal for-hire operations and are handled as criminal cases. Others, however, are not so clearly unlawful as to warrant criminal action for the reasons stated above in connection with questionable leasing arrangements, but which, in the Commission's view, are nevertheless unlawful.

Such operations may be continued for substantial periods during the pendency of a civil injunction proceeding and before a cease-and-desist order is issued by the court. If the proposed amendment were enacted a number of these cases could be made the subject of a civil forfeiture action in which, if successful, the operator would suffer a money judgment or forfeiture.

Enactment of the proposed legislation would also greatly facilitate the Commission's enforcement activities in the important area of motor carrier safety. Although a very high percentage of cases involving violations of the Commission's safety regulations are disposed or by pleas of guilty or nolo contendere, investigations looking toward such prosecutions are nevertheless extremely time consuming because of the necessity of proving to the court every element of the alleged criminal offense. Since the quantum of proof required in a civil forfeiture proceeding is not as great as that required in a criminal action, a substantial amount of the time that must now be spent in preparing for criminal prosecutions in such cases could be devoted to handling a larger number of civil forfeiture proceedings.

The Commission's efforts at more effective and expeditious enforcement would also be greatly enhanced if it were authorized to institute forfeiture proceedings directly in the courts instead of proceeding through the Department of Justice as it is now required to do. Delays would be avoided not only by eliminating the mechanics involved in taking the extra step, but also by the elimination of such delays as may be caused by the time consumed in convincing the U.S. attorney that an action should be filed.

These proposed amendments, coupled with a substantial increase in the amount of the forfeitures prescribed, would strengthen the Commission's hand considerably in dealing with some of the principal factors contributing to the decline of regulated common carriers.

S. 683. A bill to amend the Interstate Commerce Act so as to authorize the Interstate Commerce Commission, under certain circumstances, to deny, revoke or suspend, operating authority granted under part II of the Act, or to order divestiture of interest, and for other purposes.

JUSTIFICATION ACCOMPANYING SENATE BILL 683

The purpose of the attached draft bill is to give the Interstate Commerce Commission specific authority to revoke or suspend operating authority, or order divestiture of interest, under certain circumstances. First, the Commission must find that either the operating authority, or a facility or instrumentality operated or employed in connection with such operating authority, has been used to commit, or aid and abet in the commission of, a felony, or, in connection with an application for operating authority, perjury, or subornation of perjury, has been committed. Secondly, the Commission must find that the carrier's or broker's conviction or that a director, officer, or other person convicted of such crime has such an interest in the motor carrier or broker that such conviction affects the fitness of the carrier or broker to operate as such under the provisions of the Act. The Commission, at the present time, has no authority to revoke a certificate solely because a carrier is engaged in some undesirable or even criminal activity.

The law directs the Commission to issue certificates or permits upon a showing, among other things, that the applicant is fit, willing, and able to perform the proposed transportation. It has been said, however, that the issue of fitness is limited to fitness in connection with the performance of motor transportation such as safety of operations, and does not embrace other activities or habits of the applicant.

The Commission is of the view that investigations of criminal activities, other than violations of the Interstate Commerce Act and related acts, are matters peculiarly within the province of some agency other than the Interstate Commerce Commission. The Commission is of the further view that it is not now qualified to function in the capacity of a criminal court. Moreover, it would be a virtually impossible task for the Commission to undertake to investigate the moral character of all those who apply for operating authority.

While the Commission is convinced that it should not become the "keeper of the morals" of the transportation industry, nevertheless, it is equally convinced that it should lend its weight to efforts to stamp out crime wherever it arises within the motor carrier industry it regulates. The Commission strongly believes that its authority with respect to both denial and revocation should especially be relevant to the conduct of the transportation business. Motor carriers and brokers must be fit to conduct their business, and the jurisdiction of the Commission requires that our judgment must be responsible to that purpose.

Accordingly, we believe that the appropriate sections of the act should be amended to clarify the Commission's authority to deny, and to give it authority to revoke, or suspend, operating authority, or to order divestiture of interest, under the circumstances hereinabove set forth. The primary Federal responsibility for dealing directly with organized crime rests, in large part, with the FBI. The Commission believes, therefore, that its activity in this field should be limited and should be a corollary to the action taken by a duly authorized law enforcement organization.

S. 684. A bill to clarify certain provisions of part IV of the Interstate Commerce Act and to place transactions involving unifications or acquisitions of control of freight forwarders under the provisions of section 5 of the act.

JUSTIFICATION ACCOMPANYING SENATE BILL 684

The present provisions of part IV of the Interstate Commerce Act concerning ownership, control, and operation of freight forwarders are extremely confusing and, in some instances, apparently conflicting. The attached draft bill would clarify this situation by making freight forwarders subject to the provisions of section 5 of the act.

Section 411(a) of the act prohibits a freight forwarder or any person (defined in sec. 402 as including an individual, firm, and corporation) controlling a freight forwarder from acquiring control of a carrier subject to part I, II, or III of the act. Expressly excepted from this prohibition is the right of any carrier subject to part I, II, or III to acquire control of any other carrier subject to those parts in accordance with the provisions of section 5 of the act. In addition, under section 411(g) it is lawful for a common carrier subject to part I, II, or III or any person controlling such a common carrier to acquire control of a freight forwarder.

Taken together these three provisions lead to the following confusing results: A person who initially gains control of a common carrier can subsequently acquire control of a freight forwarder, but a person cannot first acquire control of a freight forwarder and then acquire control of a common carrier; a person who acquires control of a common carrier and a freight forwarder, in that order, cannot later acquire control of another common carrier, although the common carrier controlled by such person can acquire control of another common carrier.

To add to the confusion section 411(c) precludes any director, officer, or employee of a common carrier subject to part I, II, or III from directly or indirectly owning, controlling, or holding stock in a freight forwarder in his personal percuniary interest. This leads to the rather unusual result that under section 411(g) a person may control both a carrier and a freight forwarder but, in view of section 411(c), this control must be exercised in some manner as not to include being an officer, director, or employee of the carrier.

It may therefore readily be seen why it is so difficult, if not at times impossible, to reconcile the language in the various sections discussed and give them meaning. If opportunity to engage in objectionable practices exists, it seems clear that it is a product of the common control of a carrier and a forwarder rather than the form whereby such common control is accomplished.

The draft bill would remove uncertainty and confusion about the meaning of the language in question by amending section 5 so as to place thereunder all acquisitions of control, mergers, consolidations, or unifications involving freight forwarders. The number of freight forwarders is so small that the increase in section 5 proceedings would be insignificant compared to the benefits to be derived from clarification of the law.

Four amendments to section 5 are necessary. Paragraph (13) would be changed to embrace freight forwarders subject to part IV within the definition of the word "carrier" as used in paragraphs (2) through (12). Paragraph (3) would also be modified to make the reporting and accounting provisions of part IV applicable to a noncarrier person authorized under section 5 to acquire control of a freight forwarder. A new sentence would be added to paragraph (4) in order to preserve the legality of existing common control relationships involving freight forwarders. Finally, paragraph (2)

(a) would be amended to preclude approval, under revised section 5, of a common carrier, subject to part I, II, or III, holding a permit as a freight forwarder. This is in keeping with the retention of the present prohibition in section 410(e) of such unification of operating rights in a single entity. Otherwise substantial confusion would result among shippers as to the capacity in which the carrier was serving.

Several changes also are required in part IV in order to make it comport with amended section 5. The prohibition in section 404 (c) respecting a common carrier giving undue preference or advantage to any freight forwarder would be reworded so as to be applicable to a freight forwarder controlling or under common control with such carrier as well as to one controlled by it.

As previously noted the proscription in the second sentence of section 410(c) against issuance of a freight forwarder permit to any common carrier subject to parts I through III would be retained. However, the language immediately following, beginning with the words "but no application," would become unnecessary as a result of the other amendments, and would therefore be deleted.

Subsection (g) of section 410 would be changed by addition of the following phrase at the beginning thereof: "Except as provided in section 5 of this act,". This language would preserve the existing law respecting transfers of freight forwarder permits in transactions which will not be subject to the provisions of amended section 5—for example, the transfer of a freight forwarder permit to a person which is neither a carrier nor a forwarder, and is not affiliated therewith. Similar provisions are applicable to transfers of motor carrier and water carrier operating rights in sections 212(b) and 312 of parts II and III, respectively.

In order to complement the prohibition in subsection (c) of section 410 against a common carrier holding a freight forwarder permit, subsection (h) would be amended so as to make it clear that a person holding a permit under part IV could not be authorized to engage in carrier operations under parts I, II, or III.

Section 411 would be amended by striking subsection (a), whose provisions have been superseded, and by redesignating subsections (b) and (c) as (a) and (b), respectively. Redesignated subsection (b) would be revised to empower the Commission to approve the holding of stock in a freight forwarder by a person affiliated with a carrier subject to parts I, II, or III. Subsections (d), (e), and (f) would be redesignated as subsections (c), (d), and (e) respectively. Finally, subsection (g) would be deleted as no longer necessary.

The Commission believes that the attached draft bill would accomplish a much needed clarification of part IV of the Interstate Commerce Act and recommends its favorable consideration by the Congress.

S. 685. A bill to amend the Interstate Commerce Act and certain supplementary and related Acts with respect to the requirement of an oath for certain reports, applications, and complaints filed with the Interstate Commerce Commission.

JUSTIFICATION ACCOMPANYING SENATE BILL 685

The purpose of the attached draft bill is to eliminate from various statutes administered by the Interstate Commerce Commission the mandatory requirement that certain reports, applications, and complaints be made under oath, and to authorize the Commission to impose such requirement at its discretion.

Under section 20(2) of part I and comparable provisions in other parts of the Interstate Commerce Act, the annual reports of the carriers are required to be filed with the Commission under oath. The oath requirement is also mandatory for reports filed under section 1 of the Accident Reports Act and section 9 of the Locomotive Inspection Act. By contrast, such requirement is discretionary with the Commission with respect to periodical or special reports filed under section 20(2) and various other provisions of the Interstate Commerce Act, and there is no statutory requirement at all of an oath for reports submitted by conferences, bureaus, and other organizations formed pursuant to section 5a of the act or for periodical and special reports filed under section 20b(6), relating to railroad securities modifications.

In addition to the mandatory requirement of an oath for the above-mentioned reports, an oath is also required for applications filed by railroads and motor carriers under sections 20a(4) and 214 of the act, respectively, for authority to issue securities, and for applications for exemption from regulation filed under section 204(a)(4a) by motor carriers operating solely within a single State. An oath is similarly required with respect to applications filed under section 77(p) of the Bankruptcy Act for Commission approval to solicit, use, or act under proxies, authorizations, or deposit agreements in railroad reorganization proceedings.

Other mandatory oath requirements are found in those provisions of the act governing the filing of applications for motor carrier, water carrier, and freight forwarder operating authorities and complaints involving the rates of motor contract carriers and water common and contract carriers. No comparable requirements are imposed, however, with respect to complaints involving the rates of railroads, pipelines, or express companies subject to part I; motor common carriers subject to part II; or freight forwarders subject to part IV of the act, respectively.

The foregoing oath requirements are, in the Commission's opinion, both unnecessary and burdensome. Section 35 of the Criminal Code (18 U.S.C. 1001) imposes penalties of fine and imprisonment for knowingly making false statements or representations to Federal administrative agencies, and these provisions have been construed to apply to the giving of false information even though not under oath. Moreover, penalties for knowingly making false statements in carrier reports are contained in section 20(7)(b) and comparable provisions in other parts of the Interstate Commerce Act. In view of these statutory provisions against the giving or filing of false information, it seems clear that the mandatory oath requirements in the laws administered by the Commission no longer serve any useful purpose. On the contrary, they are burdensome to the carriers and cause delays and inconveniences in the processing of reports and other documents because of the necessity of returning them to the carriers for authentication when the oath has been inadvertently omitted.

The Commission therefore recommends enactment of the provisions in the attached draft bill which would make the present mandatory oath requirements discretionary with the Commission. Retention of discretionary authority would enable the Commission to require an oath should the need arise.

NOTICE OF MOTION TO AMEND THE STANDING RULES OF THE SENATE

Mr. PROUTY 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 the Standing Rules of the Senate for the purpose of proposing an amendment to the substitute offered by the Senator from Minnesota [Mr. HUMPHREY] for the resolution offered by the Senator from New Mexico [Mr. ANDERSON] known as Senate Resolution 9.

This proposed new rule relates to the assignment of the professional and clerical staff members of the standing committees, subcommittees, and special and select committees of the Senate, to duties designated for them by the majority and minority members of such committees.

Such new rule shall read as follows:

"RULE XLI

"Minority staff members

"1. Each standing committee of the Senate (other than the Committee on Appropriations) is authorized to appoint by majority vote of the committee not more than five professional staff members in addition to the clerical staffs on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office; and said staff members shall be assigned to the chairman and ranking minority member of such committee as the committee may deem advisable, except that whenever a majority of the minority members of such committee by resolution adopted by them so request, at least 40 percent of such professional staff members shall be appointed by majority vote of the minority members of such committee and shall be assigned to such committee business as the minority members of such committee deem advisable. Services of professional staff members appointed by majority vote of the committee may be terminated by majority vote of the committee and services of professional staff members appointed by a majority vote of the minority members of such committee may be terminated by majority vote of such minority members. Professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them.

"2. The clerical staff of each standing committee of the Senate (other than the Committee on Appropriations), which shall be appointed by a majority vote of the committee, shall consist of not more than seven clerks to be attached to the office of the chairman, to the ranking minority member, and to the professional staff, as the committee may deem advisable, except that whenever a majority of the minority members of such committee by resolution adopted by them so request, at least 40 percent of such clerks shall be appointed by majority vote of such minority members. The clerical staff shall handle committee correspondence and stenographic work, both for the committee staff and for the chairman and ranking minority member on matters related to committee work, except that if members of the clerical staff are appointed by the minority members of such committee, such clerical staff members shall handle committee correspondence and stenographic work for those members of the committee staff appointed by such minority members, and for the minority members, on matters related to committee work.

"3. In any case in which, pursuant to one or more resolutions of the Senate, a standing or select committee of the Senate, or any subcommittee of any such committee, is authorized to employ on a temporary basis one or more employees, such amount (not to exceed 40 percent of the funds available or to be used for payment of the salaries of all such employees) as may be requested by a majority of the minority members of such committee shall be used for the payment of the salaries of an employee or employees selected for appointment by majority vote of such minority members. Any employee or employees so selected shall be appointed and shall be assigned to such committee or subcommittee business as such minority members deem advisable.

"4. Nothing in this rule is to be construed as requiring a reduction in the number of professional or clerical staff members authorized prior to the adoption of this rule to

be employed by any committee of the Senate, or subcommittee thereof, or in the percentage of such members presently authorized to be appointed by the minority membership of any such committee or subcommittee."

NOTICE OF MOTION TO AMEND THE STANDING RULES OF THE SENATE

Mr. PROUTY 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 the Standing Rules of the Senate for the purpose of adding a new rule relating to the assignment of the professional and clerical staff members of the standing committees, subcommittees, and special and select committees of the Senate, to duties designated by majority and minority members of such committees.

Such new rule shall read as follows:

"RULE XLI

"Minority staff members

"1. Each standing committee of the Senate (other than the Committee on Appropriations) is authorized to appoint by majority vote of the committee not more than five professional staff members in addition to the clerical staffs on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office; and said staff members shall be assigned to the chairman and ranking minority member of such committee as the committee may deem advisable, except that whenever a majority of the minority members of such committee by resolution adopted by them so request, at least 40 percent of such professional staff members shall be appointed by majority vote of the minority members of such committee and shall be assigned to such committee business as the minority members of such committee deem advisable. Services of professional staff members appointed by majority vote of the committee may be terminated by majority vote of the committee and services of professional staff members appointed by a majority vote of the minority members of such committee may be terminated by majority vote of such minority members. Professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them.

"2. The clerical staff of each standing committee of the Senate (other than the Committee on Appropriations), which shall be appointed by a majority vote of the committee, shall consist of not more than seven clerks to be attached to the office of the chairman, to the ranking minority member, and to the professional staff, as the committee may deem advisable, except that whenever a majority of the minority members of such committee by resolution adopted by them so request, at least 40 percent of such clerks shall be appointed by majority vote of such minority members. The clerical staff shall handle committee correspondence and stenographic work, both for the committee staff and for the chairman and ranking minority member on matters related to committee work, except that if members of the clerical staff are appointed by the minority members of such committee, such clerical staff members shall handle committee correspondence and stenographic work for those members of the committee staff appointed by such minority members, and for the minority members, on matters related to committee work.

"3. In any case in which, pursuant to one or more resolutions of the Senate, a standing or select committee of the Senate, or any subcommittee of any such committee, is authorized to employ on a temporary basis one or more employees, such amount (not to exceed 40 per centum of the funds available or to be used for payment of the salaries of all such employees) as may be requested by a majority of the minority members of such committee shall be used for the payment of the salaries of an employee or employees selected for appointment by majority vote of such minority members. Any employee or employees so selected shall be appointed and shall be assigned to such committee or subcommittee business as such minority members deem advisable.

"4. Nothing in this rule is to be construed as requiring a reduction in the number of professional or clerical staff members authorized prior to the adoption of this rule to be employed by any committee of the Senate, or subcommittee thereof, or in the percentage of such members presently authorized to be appointed by the minority membership of any such committee or subcommittee."

EXTENSION FOR 1 YEAR OF CERTAIN PROVISIONS OF PUBLIC LAWS 815 AND 874—ADDITIONAL COSPONSOR OF BILL

Mr. DODD. Mr. President, at its next printing, I ask unanimous consent that the name of the distinguished junior Senator from Rhode Island [Mr. PELL] be added as a cosponsor of the bill (S. 236) to extend for 1 year certain provisions of Public Laws 815 and 874 and to amend the definition of the term "real property" with respect to such laws, introduced by me on January 15, 1963.

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

AMENDMENT OF DAVIS-BACON ACT—ADDITIONAL COSPONSOR OF BILL

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the name of the distinguished junior Senator from Nevada [Mr. CANNON] be added as a cosponsor of S. 450, a bill to amend the Davis-Bacon Act.

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

MIGRATORY AGRICULTURAL WORKERS—ADDITIONAL SPONSOR OF BILLS

Mr. HOLLAND. Mr. President, several days ago the Senator from New Jersey [Mr. WILLIAMS] introduced a group of bills relating to migratory agricultural workers, their families and dependents. I understand that the bills are still at the desk, awaiting the addition of the names of Senators who may wish to join in sponsoring them. I am glad to join the distinguished Senator from New Jersey and other Senators in the sponsorship of Senate bill 522, the day care nursery bill which encourages the setting up of nurseries to take care of the younger children of the migrant workers. I ask that my name be added as a cosponsor of Senate bill 522.

The PRESIDING OFFICER. The addition will be made.

Mr. HOLLAND. Mr. President, I also am happy to join the Senator from New Jersey [Mr. WILLIAMS] and other Senators in the sponsorship of Senate bill 526 to amend the Public Health Service Act, so as to help farmers in providing sanitary facilities for their migrant workers. I ask that my name be added as a cosponsor of Senate bill 526.

The PRESIDING OFFICER. The addition will be made.

Mr. HOLLAND. At the same time, Mr. President, I want it definitely understood that I shall vigorously oppose other bills of the group. There may be one or two others which I shall support, after further study.

However, I certainly join in the sponsorship of the two bills I have mentioned, and I shall work as strongly as I can for their enactment.

HONORARY AMERICAN CITIZENSHIP FOR WINSTON CHURCHILL—ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Mr. YOUNG of Ohio. Mr. President, during the 2d session of the 87th Congress, I introduced a joint resolution to confer honorary citizenship upon Winston Churchill, and I reintroduced it on January 14, the first day on which Senators had the opportunity to introduce legislation. At that time my distinguished colleague from Ohio [Mr. LAUSCHE], the distinguished senior Senator from Oregon [Mr. MORSE], and the distinguished senior Senator from Tennessee [Mr. KEFAUVER] joined with me in sponsoring this resolution.

Subsequently, on January 16, I received unanimous consent to add Senators HUMPHREY, YARBOROUGH, GRUENING, BARTLETT, INOUYE, BOGGS, WILLIAMS of New Jersey, and BYRD of West Virginia as additional cosponsors of this measure.

Since that time four more of our distinguished colleagues have requested that I add their names as cosponsors of the joint resolution. I am happy to do so. Therefore, at its next printing, I ask unanimous consent that the names of the following Senators be added as cosponsors of Senate Joint Resolution 5 to confer honorary citizenship of the United States on Winston Churchill: Mr. JAVITS, Mr. ENGLE, Mr. PELL, and Mr. MCGOVERN.

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

Mr. YARBOROUGH. Mr. President, will the Senator from Ohio yield to me?

Mr. YOUNG of Ohio. I yield.

Mr. YARBOROUGH. I desire to commend the distinguished Senator from Ohio for his leadership in this resolution. It has been pointed out in numerous news articles in recent days that the only other foreigner upon whom such American citizenship was conferred was Lafayette, and that was not by act of Congress, but as a result of his having been a citizen of the States of both Virginia and Maryland at the time the Constitution was adopted. Under the Constitution, having been a citizen of a State or States, he became a citizen of the United States. I think by the services he rendered to America and to Europe, Lafayette showed his leadership in the cause of freedom. Churchill has an equal reputation, which cannot be questioned, for his leadership in the fight for

human liberty which encompassed every country on this earth.

I am happy to be a cosponsor of this joint resolution with the distinguished junior Senator from Ohio, which would confer honorary American citizenship upon the Right Honorable Winston Churchill. If any citizen of any other nation in the world is entitled to have honorary American citizenship conferred upon him, it certainly is Winston Churchill.

In view of the fact that he is aged, is no longer in political activity, and is a distinguished historical author, I am hopeful that Congress will act on this proposal while Churchill is still on this earth and still in possession of his faculties and in a position to appreciate his receipt of American citizenship. With becoming modesty, he has said this is not something for him to comment on; that while he will accept the honorary citizenship with humility and pride, it would not be proper for him to comment on it. I hope Congress will act soon on the matter.

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

Mr. YOUNG of Ohio. I yield to the Senator from New York.

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

Mr. JAVITS. I should like to be recognized in my own right. I merely wish to say to the Senator from Ohio that I should like very much to be a cosponser of his joint resolution, if he would be kind enough to ask unanimous consent that that be done.

Mr. YOUNG of Ohio. I am delighted to inform my colleague that I have just done so. The Senator is a distinguished lawyer, and I am proud to have him as a cosponsor of the proposed legislation. I also appreciate very much the statement made by the distinguished senior Senator from Texas.

Mr. JAVITS. There will be some legal questions involved in connection with the Senator's proposal, because a citizen of the United States must be a citizen of a State. However, I am confident that a way can be found, through proper legal procedures, to bring about what the Senator from Ohio desires to do. I am confident that a way can be devised to tell Winston Churchill what the Senator from Ohio wishes to tell him, namely, that we respect and admire him as a citizen of the United Kingdom and as a citizen of the world, and that our admiration for him is so great that Congress desires to honor him.

If ever there was an hour when Britain needed a friend, it is now; and it is certainly timely that the Senator from Ohio should act as he has; and many of us feel motivated to join him in his proposed action.

Whatever may be the legal difficulties—and I am sure we will surmount them—let us be certain to tell Winston Churchill what we think of him and of his services to mankind, and through him to tell the British people that they are among the greatest friends we have in the world.

Mr. MAGNUSON. I was about to suggest what the Senator from New York has suggested. As a lawyer, the proposal of the Senator from Ohio has bothered me a little. We may have a great deal of difficulty in making anyone a Federal citizen, as such. But I believe we all agree with what the Senator from Ohio and the Senator from New York have suggested, that we would like to do what is proposed. I am hopeful that in the meantime one of our States—perhaps Texas, Ohio, New York, or Washington—may offer honorary citizenship to Winston Churchill. In that way the legal problem would be solved.

Mr. YOUNG of Ohio. I thank the Senator.

LEGISLATIVE AUTHORITY TO SELECT COMMITTEE ON SMALL BUSINESS—ADDITIONAL COSPONSOR OF RESOLUTION

Mr. KUCHEL. Mr. President, at the request of the distinguished junior Senator from Vermont [Mr. PROUTY], I ask unanimous consent that at the next printing of Senate Resolution 30 the name of the distinguished senior Senator from Illinois [Mr. DOUGLAS] may be added as a cosponsor. The resolution seeks to provide full legislative authority to the Select Committee on Small Business.

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

ADDITIONAL COSPONSORS OF BILLS

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bills:

Authority of January 22 and 28, 1963:

S. 415. A bill to amend Public Laws 815 and 874, 81st Congress, in order to extend for 1 year certain expiring provisions thereof, and for other purposes: Mr. PASTORE, Mr. RANDOLPH, Mr. BIBLE, Mr. YOUNG of Ohio, Mr. FONG, Mr. LONG of Missouri, Mr. GRUENING, Mr. MCGEE, Mr. CANNON, Mr. HART, and Mr. BREWSTER.

Authority of January 23, 1963:

S. 432. A bill to accelerate, extend, and strengthen the Federal air pollution control program: Mr. MANSFIELD, Mr. HUMPHREY, Mr. KUCHEL, Mr. RANDOLPH, Mr. YOUNG of Ohio, Mr. BOGGS, Mr. BARTLETT, Mr. BIBLE, Mr. BREWSTER, Mr. CANNON, Mr. DODD, Mr. INOUYE, Mr. LONG of Missouri, Mr. MCGEE, Mr. MORSE, Mr. NELSON, Mr. PELL, and Mr. WILLIAMS of New Jersey.

Authority of January 24, 1963:

S. 521. A bill to provide financial assistance to the States to improve educational opportunities for migrant agricultural employees and their children: Mr. METCALF, Mr. LONG of Missouri, Mr. INOUYE, Mr. CASE, Mr. JAVITS, Mr. PELL, Mr. MORSE, and Mr. RANDOLPH.

S. 522. A bill to amend the act establishing a Children's Bureau so as to assist States in providing for day-care services for children of migrant agricultural workers: Mr. METCALF, Mr. LONG of Missouri, Mr. INOUYE, Mr. HOLLAND, Mr. JAVITS, Mr. RANDOLPH, Mr. MCCARTHY, Mr. SCOTT, Mr. YOUNG of Ohio, Mr. COOPER, Mr. PELL, Mr. SMATHERS, and Mr. MORSE.

S. 523. A bill to amend the Fair Labor Standards Act of 1938 to extend the child labor provisions thereof to certain children employed in agriculture, and for other purposes: Mr. METCALF, Mr. LONG of Missouri, Mr. INOUYE, Mr. RANDOLPH, Mr. MCCARTHY, Mr. YOUNG of Ohio, Mr. SCOTT, Mr. JAVITS, and Mr. PELL.

S. 524. A bill to provide for the registration of contractors of migrant agricultural workers, and for other purposes: Mr. METCALF, Mr. KEATING, Mr. INOUYE, Mr. MCCARTHY, Mr. YOUNG of Ohio, Mr. SCOTT, Mr. JAVITS, and Mr. MORSE.

S. 525. A bill to provide for the establishment of a council to be known as the "National Advisory Council on Migratory Labor": Mr. METCALF, Mr. INOUYE, Mr. RANDOLPH, Mr. MCCARTHY, Mr. YOUNG of Ohio, Mr. JAVITS, and Mr. MORSE.

S. 526. A bill to amend the Public Health Service Act so as to establish a program to assist farmers in providing adequate sanitation facilities for migratory farm laborers: Mr. METCALF, Mr. LONG of Missouri, Mr. INOUYE, Mr. HOLLAND, Mr. RANDOLPH, Mr. MCCARTHY, Mr. YOUNG of Ohio, Mr. COOPER, Mr. JAVITS, Mr. SMATHERS, and Mr. MORSE.

S. 527. A bill to amend the act of June 6, 1933, as amended, to authorize the Secretary of Labor to develop and maintain improved, voluntary methods of recruiting, training, transporting, and distributing agricultural workers, and for other purposes: Mr. METCALF, Mr. INOUYE, Mr. MCCARTHY, Mr. YOUNG of Ohio, Mr. JAVITS, Mr. PELL, and Mr. MORSE.

S. 528. A bill to amend the Fair Labor Standards Act, 1938, as amended, to provide for minimum wages for certain persons employed in agriculture, and for other purposes: Mr. METCALF, Mr. INOUYE, Mr. MCCARTHY, Mr. YOUNG of Ohio, Mr. SCOTT, and Mr. JAVITS.

S. 529. A bill to amend the National Labor Relations Act, as amended, so as to make its provisions applicable to agriculture: Mr. METCALF, Mr. INOUYE, Mr. MCCARTHY, and Mr. YOUNG of Ohio.

Authority of January 28, 1963:

S. 557. A bill to amend the Tariff Act of 1930 to impose additional duties on cattle, beef, and veal imported each year in excess of annual quotas: Mr. MECHEM, Mr. YOUNG of North Dakota, Mr. JORDAN of Idaho, Mr. BENNETT, Mr. TOWER, Mr. MCGEE, and Mr. GOLDWATER.

Authority of January 30, 1963:

S. 601. A bill to authorize and direct that the national land reserve and certain other lands exclusively administered by the Secretary of the Interior be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes: Mr. MCGEE.

NOTICE OF HEARING ON RIGHT-OF-WAY POLICY FOR PRIVATE TRANSMISSION LINES CROSSING FEDERAL LANDS

Mr. ANDERSON. Mr. President, I would like to announce at this time that hearings before the full Interior and Insular Affairs Committee on the proposed Government right-of-way policy for private transmission lines crossing Federal lands will be held in room 3110, Senate Office Building, on February 27, 1963, at 10 a.m.

In addition to others, both the Secretary of the Interior and the Secretary of Agriculture have been invited to testify at the hearings.

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

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

By Mr. HARTKE:

Article entitled "Who's Right in Rail-Bus Row?" written by Senator WILLIAMS of New

Jersey and published in the current issue of Metropolitan Transportation, dealing with future urban transportation needs.

ROBERT H. O'BRIEN

Mr. MANSFIELD. Mr. President, the great State of Montana is always proud when one of its native sons makes good. The latest in a long list of Montanans who have brought honor to themselves and to the State is Mr. Robert H. O'Brien, recently named president of Metro-Goldwyn-Mayer motion pictures.

Mr. O'Brien was born in Helena, and worked in various enterprises in the State, including cattle ranching and mining engineering, before his career drew him eastward. After several years as a Government lawyer, he switched to private industry. Since then, his rise to the top of a highly challenging business has been sure and steady. This unusual success story of a film president who never served the standard apprenticeship in the industry is described in a recent article written by John M. Lee, and published in the New York Times western edition. Mr. President, I ask that the article be printed in the CONGRESSIONAL RECORD at the close of my remarks.

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

PERSONALITY: MGM CHIEF ROBERT H. O'BRIEN—PRESIDENT STARTED IN THE FILM INDUSTRY AT THE TOP—APPROACH TO MOVIE BUSINESS IS COOL AND ANALYTICAL

(By John M. Lee)

NEW YORK.—The motion picture industry once projected an image of technicolored corporate executives, many of them pioneer moviemakers, some of them willful, even bizarre, contrasting with the custom corporate behavior in more prosaic fields.

But the industry has declined, challenged by television and plagued by a shrinking market. The old power of the studios has shifted to the stars and the independent producers.

Financial reverses have precipitated corporate upheaval, and Wall Street has become increasingly insistent upon keeping the klieg lights focused on profit-and-loss statements. As part of the transition, the movie men heading the major studios have been succeeded by businessmen.

The newest arrival at the top rank of Hollywood executives confirms this trend. He is Robert Hector O'Brien, 58, who was elected president of Metro-Goldwyn-Mayer, Inc., this month.

Mr. O'Brien has no background in the amusement park business. He can claim no humble beginning as a part-time movie usher. He entered the motion picture industry in 1945 at the top and has since held high administrative and financial posts.

A lawyer by training, he is a former member of the Securities and Exchange Commission (1942–44). About 25 years ago, he was a key Government administrator in the financial simplification of public utility holding companies. Mr. O'Brien has such a diverse background that in the course of discussing a new Cinerama production, he draws an illustrative anecdote from the Commonwealth & Southern suit challenging the Tennessee Valley Authority.

"I'm no mogul," was his light disclaimer this week when interviewed concerning his new position.

Mr. O'Brien is a tall man, portly, gray haired, with a bright, bluff face. His manner is cordial, his comments candid and his approach cool and analytical.

He occupies a warm, paneled office, faintly old-fashioned in appearance, on the seventh floor of the Loew Building, 1540 Broadway at Times Square. A protective pad keeps his swivel chair from wearing out the carpet.

When a visitor expressed surprise in not finding Mr. O'Brien in more ostentatious settings, the MGM executive replied, "I'm not at all conscious of my surroundings. My wife could redecorate the entire apartment, and I would never notice."

During the conversation, Mr. O'Brien got up from his desk often, strode behind his high-back chair, planted his hands on the back, as though on a lectern, and continued his remarks. Restless, he lit cigarettes frequently but seldom smoked them halfway.

Mr. O'Brien, formerly executive vice president and treasurer, had been regarded for some time as the apparent successor to Joseph R. Vogel, who had been president since 1956 and who had piloted the company through a succession of crises in the late fifties.

In the executive alinement earlier this month, Mr. Vogel, 68, was named chairman, succeeding George L. Killion, who replaced Mr. Vogel on the executive committee.

The executive shuffle followed a disappointing fiscal year, when earnings in the period ended August 31 tumbled to $2,589,000, or $1.01 a share, from $12,677,000, or $5.02 a share in the preceding year.

Mr. Vogel had been criticized for the confusions surrounding production of "Mutiny on the Bounty." The quarterly financial statement showed the company was in the red. In this setting, the industry speculated that Mr. O'Brien had been moved into the presidency earlier than planned, in an effort to put on a new financial face. Variety, the trade paper, headlined its account of Mr. Vogel's shift, "Hero today, gone tomorrow."

Mr. O'Brien was born in Helena, Mont., on September 15, 1904. He is enthusiastic about the natural wonders of his native State, and he finds his greatest recreation in Montana's trout streams.

He attended Beloit College from 1923 to 1925, worked on a newspaper, as a rancher and in the Anaconda copper mines as an engineer before entering the University of Chicago. He received his law degree in 1933. After a short period of practice he joined the legal department of the Public Works Administration and later the SEC. He was director of the Public Utilities Division before being named a Commissioner.

THEATER TV PROPONENT

Mr. O'Brien left Government service to become assistant to Barney Balaban, president of Paramount Pictures, early in 1945. He said this week he had been attracted to the motion picture business by "its dimensions, characteristics and element of influence." When Paramount was split into a theater company and a production and distribution company, he became treasurer of United Paramount Theatres, Inc. Upon the acquisition of the American Broadcasting Co., he became executive vice president of ABC and financial vice president of American Broadcasting—Paramount Theatres, Inc. In 1957 he joined MGM as vice president and treasurer.

Mr. O'Brien is married to Ellen Ford, and they have a daughter. They live in a cooperative apartment at 1040 Park Avenue in New York.

During his varied career, Mr. O'Brien has been active in promoting theater television, and he has advocated greater use of movie studio facilities by television producers to augment studio income.

MGM, besides motion picture activities, has important investments in music publishing, in recording and the manufacture of records and in television production.

Mr. O'Brien has been heavily involved in these activities, which in recent years have provided the profits to offset movie-making losses. In the search for profits, MGM has even opened a bowling alley in suburban Sydney, Australia.

The new MGM president, although aware of the difficulties ahead, is generally optimistic about the future of the business. He said he expected improved earnings this fiscal year over 1962, although he doubted that motion picture production and distribution activity would be in the black.

Mr. O'Brien said he was particularly eager to build up television production to a point where MGM had 6 or 7 hours of its series on weekly network TV. It has 3 hours now, and Mr. O'Brien said he expected "at least 5 next year." Mr. O'Brien acknowledged that it was hard to figure the entertainment market. "You just don't know about most of our things for sure," he said, "until you get the public's reaction."

SENATOR DIRKSEN'S RECORD ON CIVIL RIGHTS

Mr. DIRKSEN. Mr. President, in recent days the press carried an account of an interchange of views which I had with Mr. Clarence Mitchell, legislative representative of the NAACP. In connection with that exchange, there appeared in the Chicago Daily News of January 28, 1963, an editorial commenting on the matter. I ask leave to have it printed in the RECORD as a part of my remarks.

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

DIRKSEN'S RECORD ON CIVIL RIGHTS

The story is that Senator EVERETT DIRKSEN told off the Washington chief of the National Association for the Advancement of Colored People the other day, and there is food for thought in the incident.

The NAACP official, Clarence Mitchell, had asked DIRKSEN to cooperate with Senate liberals in trying to modify the Senate's filibuster rule. As matters turned out, the Illinois Senator did cooperate, but not, he let it be known, from any sense of obligation to the NAACP.

As the story goes, DIRKSEN told Mitchell that the Chicago Negro community mocked and scorned him during last fall's reelection campaign. He was particularly bitter over stories in the Negro press that ridiculed him as an enemy of civil rights.

The fact is that DIRKSEN, while no zealot, has been one of the more consistent champions of civil rights. He voted for the Eisenhower civil rights bill in 1957, and personally represented Eisenhower in helping secure passage of the Civil Rights Act of 1960. He helped put through the Senate confirmation of Thurgood Marshall, a Negro nominated by President Kennedy for the U.S. court of appeals, and he voted in 1959 to modify the Senate filibuster rule under which southern Democrats have so often blocked civil rights legislation.

What happened last fall was that the local Negro leadership, deeply involved in partisan politics, overlooked the well-established character of DIRKSEN as a civil rights advocate and sought to paint him as a Republican and a conservative and thus, automatically, a "foe of the common people."

Judging by DIRKSEN's impressive showing in Chicago it was a fiction that many informed Negroes didn't buy.

But the incident points up an element of hypocrisy on the part of some Negro political leaders in Chicago and elsewhere, who parade themselves as first and foremost champions of civil rights but whose primary allegiance

is to their political party. DIRKSEN, as a Democrat, would have had their unflagging support, and his civil rights record would have been paraded for all to see. But DIRKSEN, the Republican, was, by their account, a vicious enemy of their race.

A NATIONAL FOOD CACHE

Mr. KEATING. Mr. President, recently I have received a copy of an editorial entitled "A National Food Cache." It was published in the Holstein-Friesian World, of Lacona, N.Y. It is based on an article by Prof. Perry L. Stout. In my judgment, the editorial raises valid questions regarding the vulnerability of American agriculture in case of nuclear attack; and I believe that the proposal that a national food cache be established is worthy of consideration by the Federal Government.

I have already contacted the Department of Agriculture regarding this proposal; and the general reaction is that there is a definite need for locating certain emergency food and feed stocks near large metropolitan areas where food is normally shipped from distant points of production. Several proposals to fill this need have been under discussion for several years. A serious study could well be devoted to the possibilities of an emergency food and feed stockpile for use in the event of a major attack on this country. Furthermore, as suggested in the editorial, such a program might put to good use the tremendous stocks of surplus farm commodities which are costing the country over a billion dollars a year just for storing, handling, and interest.

Mr. President, I ask unanimous consent that the text of this challenging editorial be printed in the RECORD following my remarks.

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

A NATIONAL FOOD CACHE—PRACTICALITY OR PIPEDREAM?

In a previous issue we mentioned American agriculture's vulnerability in case of nuclear attack and a proposal that a "national food cache" be established. The idea of a food cache is an intriguing one and at first glance seems like a good answer—both to the possible disruption, in time of war, of our entire system of food production, processing, and distribution, and also to the immediate problems of surpluses. And perhaps it is, but it certainly raises a whole new field of questions.

Commenting on the food cache, the California Farmer says: "It would be appropriate for the Government to make available the 750 pounds of supplementary dried food needed to keep an individual citizen alive and well for a 2-year period. That amount can be stored in a space occupied by a cube 2 feet 8 inches on a side. To acquire a 2-years' supply for each of our 180 million people would take a 20 percent set-aside of each year's crop for the next 10 years." Further, the cache should be well dispersed to be available to each person—"within walking distance," says the editorial.

As a kind of mental exercise, we did a little mathematics with the above figures. If our math still functions (and it may be that it does not) it appears that 750 pounds per person and figuring a population of 180 million, the food cache would total about 67.5 million tons of powdered food stored in boxes using an aggregate of nearly 4 billion cubic feet of space. Also, if special storage buildings—each 100 by 50 by 20 feet—were constructed to house this food, some 33,840 buildings would be needed. And what an army of people would be needed in a project of this size.

After the products left the farm they would have to be transported, allocated, transported again, processed, packaged, sorted, transported again, resorted and stored. Quite possibly we have left out several different stages in the movement from farm to local storage. Not even considering expense, it would be a monumental task.

THE OTHER SIDE OF THE COIN

But, is the idea of a national food cache completely impractical, or is it worthy of serious consideration?

Cost. Over 2 years ago, then Secretary of Agriculture Benson said that the cost of storage, handling, and interest on the Government's stocks of surplus farm commodities was over a billion dollars a year, and that was just the overhead cost of storing the surpluses. During the recent session of Congress, Senator ELLENDER, chairman of the Senate Committee on Agriculture and Forestry, said that the net cost of the dairy price support program alone for the preceding marketing year was $597 million; earlier in the year Secretary Freeman stated that the Government had a $4 billion investment in feed grains. The Department of Agriculture, we are told, is second only to the Department of Defense in the size of its budget allotment. All this adds up to astronomical amounts of money, with a sizable portion of it going into programs which are rapidly earning the label of impotency from responsible people.

Would it be possible for the Department of Agriculture to channel a large proportion of farm program money to purchase and process the surplus for the purpose of the national food cache?

TRIBUTE TO THE LATE ETTA V. LEIGHTON

Mr. PASTORE. Mr. President, in the serious procedures of this Senate where each of us has taken an oath to support the Constitution of the United States, it seems proper to pause—to pay tribute—to mark the passing of a nonelected American who had a lifelong love affair with the country she adorned and the Constitution she adored.

Miss Etta Veronica Leighton passed away in Providence, R.I., on January 31 at the age of 88.

It was my privilege to have possessed her friendship and the volumes of our correspondence are a proud part of my public life and of my personal affection.

In this Capitol in the January of 133 years ago Daniel Webster defended it as "the people's Constitution, the people's Government, made for the people, made by the people, answerable to the people."

Thirty-three years later, in his Gettysburg Address, Abraham Lincoln immortalized those words as an imperishable creed.

Etta Leighton, in her humble, dedicated, untiring way through all her years, made the Government and its Constitution come alive to millions.

I had the high honor, on March 15, 1960, to add her newspaper column, "The Constitution and You," to the imperishable annals of our country in the CONGRESSIONAL RECORD.

Today, I ask the privilege of inserting in the RECORD at this point in my remarks the obituary of this patriot, scholar, teacher, citizen, and friend.

It is the tribute of the newspaper, the Providence Journal-Bulletin through whose columns the historian found expression and earned the appreciation of all. This is, in every truth, the eulogy of the community for Miss Etta V. Leighton.

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

ETTA V. LEIGHTON, 86, DIED—PROMOTED CONSTITUTION STUDY

Miss Etta Veronica Leighton, 86, internationally known authority on the U.S. Constitution and author of the Evening Bulletin column "The Constitution and You," since 1935, died yesterday in Our Lady of Fatima Hospital where she had been a patient since January 15. Her home was at 222 Dexter Street, Cumberland.

She was credited with rescuing the Constitution from the small type in the back of history books and making it a study course in every school in the United States and its possessions. Her honors were many and they came from educational, historical, literary and patriotic groups. She had been cited in "Who's Who" in the East, by leaders in education and senior citizens for her patriotic work in making the Constitution known.

Undaunted by lameness resulting from a series of serious accidents and by deafness she continued her patriotic activities until shortly before her death, often writing from a hospital bed. She was born in Cumberland on June 21, 1876, a daughter of Thomas and Mary McCabe Leighton. She was graduated from the former Rhode Island Normal School, now Rhode Island College, in 1896 and taught grade school in Massachusetts and Valley Falls for the next 6 years. She was named principal of the Valley Falls Elementary School, a position she held for 5 years.

She organized the Cumberland Civic Guards, first school society of its kind in the State and probably in the Nation. Its purpose is to stimulate pupil interest in municipal government and affairs. In 1912 she organized a vocational school at which she taught for 6 years at the Passaic Social Center, Passaic, N.J. She left in 1918 to become an investigator and reporter, surveying county schools in London, teaching conditions in Ireland and housing conditions in the British Isles for the U.S. National Housing Conference. She also made a survey report for the Grenfell Mission on activities possible for Labrador fishing villages.

She had always been interested in the Constitution and after 22 years of teaching and investigating she realized that ignorance of the document was widespread. She did something about it. In 1918 she was named civic secretary of the National Security League. She had decided that there were no good textbooks on the Constitution so she wrote her own articles. There were no requirements then that teachers must pass a special examination on it, and she campaigned for such requirements.

As a result, it is now a requirement in almost every State that teachers must give instruction in the Constitution in all schools and many States signify that a teacher must know the document before getting a certificate to teach. As civic secretary of the National Security League she received a grant from the Carnegie Foundation. Her outline on civics and a course of study of the Constitution were used by schools in every State and U.S. possession. She helped to revise courses of study in many States and cities.

What she considered to be her great work, however, was a free correspondence course for adults born in this country and abroad

supplemented by lecture hours. "I am the only woman who ever taught government on a nationwide scale" she said recently. "I taught people in every walk of life from John Lewis' miners, telegraph operators, freight brakemen, orange growers, up to Congressmen—plus men, women and children of many races and colors all over the world."

In addition she gave courses in civics and did Americanization work among persons of 39 different nationalities and gave college courses for teachers in adult education and the Constitution. For this work she was elected to membership in the National Institute of Social Sciences in 1938.

She conducted extension courses in civics in Rhode Island College of Education from 1934 to 1938. In June 1944 she received the honorary degree of Master of Education from that college. In March 1960 Senator JOHN O. PASTORE had one of her "Constitution and You" columns inserted in the CONGRESSIONAL RECORD. The Senator said "her column had been the clearing house of the historical facts and human romances that surround this document of our destiny."

PAY EQUALIZATION FOR PORTSMOUTH-KITTERY NAVAL SHIPYARD

Mrs. SMITH. Mr. President, earlier today a letter to the President signed by the senior Senator from New Hampshire [Mr. COTTON] and myself was delivered to the White House.

I ask unanimous consent that a copy of that letter be placed in the body of the RECORD at this point.

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

U.S. SENATE,
Washington, D.C., February 4, 1963.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you will recall, the U.S. Senate four times passed legislation introduced by Senator MARGARET CHASE SMITH to equalize the wages at the Portsmouth-Kittery Naval Shipyard with the wages at the Boston Naval Shipyard in your home State of Massachusetts. One of those four times was the first time that either the Senate or the House overrode an Eisenhower veto.

You very kindly supported that legislation when you were the junior Senator from Massachusetts. For example, on Senate vote No. 277 of the 85th Congress on August 12, 1958, you voted with us and 66 other Senators to override President Eisenhower's veto of Senator SMITH's bill.

Thus, you recorded yourself in favor of the Smith legislation and proposal when you were a Senator. According to the Portland (Maine) Press Herald, you reportedly reaffirmed that support in 1960 as a candidate for the Presidency as that newspaper carried a headline of "Kennedy Backs Equal Pay for Kittery," with an article by its Washington correspondent stating:

"Senator Kennedy's position on the bill to equalize wage rates between Kittery and Boston Naval Shipyards is that the equalization can be accomplished administratively, that he believes in this equalization, as shown in his votes for it in Congress [and that if he were President, he would take steps to implement it]."

The matter in brackets in the above has been supplied by us for the proper emphasis on this matter—in that the Portland (Maine) Press Herald thus reported in the 1960 presidential campaign that if you were President you would order pay equalization by administrative action, thus eliminating any necessity of legislation.

A further commitment by your administration leader of the House of Representatives, who is now the Democratic Speaker of the House, was reported at that time by the same newspaper—Portland Press Herald—in the story of its Washington correspondent. In that report, Massachusetts Representative McCormack was not only critical of President Eisenhower's veto of Senator Smith's bill, but he also committed the Democrats to delivering pay equalization for the Portsmouth-Kittery Naval Shipyard workers if a Democratic President were elected in 1960. The newspaper report stated on this point:

"Representative MCCORMACK, Democratic House leader, said Wednesday: 'We have passed it twice, and he has vetoed it, let him take the responsibility. We will elect a Democratic President and he will sign it.' MCCORMACK predicted."

On the basis of these representations (by the Portland Press Herald) attributed to you and to the now Speaker of the House of Representatives—and on the basis of your past record as a colleague of ours in the United States Senate, we have accepted in good faith the commitment that you would, by Presidential action, order pay equalization for the Portsmouth-Kittery Naval Shipyard workers.

Because we have accepted that in good faith, we have refrained from reintroducing such legislation since we did not wish to embarrass you with legislation on a matter on which you and the Democratic Speaker of the House were committed to accomplish by administrative action rather than by legislation.

We have felt that you should be given reasonable time in which to keep this commitment to the workers at the Portsmouth-Kittery Naval Shipyard—and so we have not approached you on it because we were confident you would keep your word to them.

We have not lost that confidence—but we do feel that we have waited for more than a reasonable time for you to keep that commitment before expressing ourselves to you. You have had more than 2 years within which to keep that commitment to the workers at the Portsmouth-Kittery Naval Shipyard.

Yet, with your Democratic Secretary of the Navy in 1961 having expressed the official policy of the Navy Department to be opposed to pay equalization for the Portsmouth-Kittery Naval Shipyard workers and there having been no change in policy since that official expression of policy, the impression is created that you approve of such official opposition to the pay equalization proposal—a position in direct contradiction to the position that you took in the U.S. Senate and that you were reported, by the Portland Press Herald, to have taken as the Democratic nominee for President in 1960.

We sincerely hope that such is not the case but rather that you fully intend to continue your support of this proposal and keep your 1960 campaign commitment. We hope that you will fulfill that 2½-year-old campaign commitment within the very near future by issuing a Presidential order of pay equalization for the Portsmouth-Kittery Naval Shipyard workers.

And in all friendliness and respect, we say that in fairness to Portsmouth-Kittery Naval Shipyard workers you should remove any ambiguity in this matter by letting them know very clearly where you stand in this matter now that you do have the power to order that, which they desire, which you supported as a Senator, and to which you were committed as the Democratic nominee for President in 1960.

Respectfully yours,

MARGARET CHASE SMITH,
U.S. Senator From Maine.
NORRIS COTTON,
U.S. Senator From New Hampshire.

Mr. COTTON. Mr. President, the problem of wage equalization for the Portsmouth Naval Shipyard has troubled me for years. It has always seemed to me strangely anomalous that the skilled and dedicated employees of a naval shipyard literally indispensable to our defense effort, should receive less pay for their time and abilities than that enjoyed by workers engaged in similar trades in other naval shipyards.

This inequitable situation results from the application of a contrived, and in my view, unrealistic formula applied by the Navy Department over the years. In substance, this formula states that the wage-hour scale in Portsmouth shall be determined by wage scales existing in comparable industry within a prescribed radius of the Portsmouth yard. The difficulty with this yardstick is that little or no comparable industry exists within the geographic area. Accordingly, the Navy Department has been privileged to exercise autocratic authority with respect to wages paid bench-trade employees, and the inevitable consequence has been that Portsmouth employees consistently receive less than their counterparts in, for example, the nearby Boston area.

It is true that the disparity is not as great as it has been in the past, as a succession of wage surveys has provided some relief by administrative action. The fact remains, however, that the employees at Portsmouth suffer by comparison—notwithstanding that they presently have the awesome responsibility of building, efficiently and well, the nuclear-powered Polaris submarine, which is perhaps the most effective deterrent we have in our arsenal at the present time. The reputation for quality which marks the Portsmouth boat could only have developed at the hands of skilled and dedicated craftsmen. They work for less and yet, I suspect, a quart of milk costs more in Portsmouth, N.H., than it does in Boston, Mass.

It is for that reason that I consistently have urged and supported legislation to correct his inequity. I wish to commend the distinguished senior Senator from Maine [Mrs. SMITH] for her leadership in the battle to obtain justice for the workers in the Portsmouth Naval Shipyard, or the Portsmouth-Kittery Shipyard as she would prefer to call it. In the 86th Congress I supported her in the long fight which resulted in passing an equalization pay bill over the veto of President Eisenhower, the first time the Senate overrode a Presidential veto during his term of office. It is for that reason that I am very pleased to join the distinguished senior Senator from Maine, who has done so much so well for the shipyard, in communicating our concern to the President that this disparity has not heretofore been extinguished by Executive action. I share with the senior Senator from Maine a real and continuing interest in the economic vitality of this historic shipyard, which has given so much to our country, and in the welfare of its employees. It is my hope that the President will see fit to take remedial action to correct

the unfair condition which presently exists.

The PRESIDING OFFICER. Is there further morning business?

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest that absence of a quorum; and I ask the attachés of the Senate to notify Senators that this will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

[No. 16 Leg.]

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

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

I further announce that the Senator from North Carolina [Mr. JORDAN] is necessarily absent.

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. MORTON] is necessarily absent.

The PRESIDING OFFICER. A quorum is present.

Mr. STENNIS. Mr. President, what is the order of business?

The PRESIDING OFFICER. Morning business is in order.

COUNCIL ON EDUCATION OUTLINES PROPOSED PROGRAM FOR FEDERAL LEGISLATION, STATEMENT BY DR. LOGAN WILSON

Mr. YARBOROUGH. Mr. President, the American Council on Education, a distinguished organization now in its 45th year of dedicated work for higher education, has outlined its proposals for a Federal education program in a January 1963 publication.

The president of the American Council on Education is Dr. Logan Wilson, a native of Huntsville, Tex., and former president and former chancellor of the University of Texas. Dr. Wilson is one of the ablest college administrators ever to direct the University of Texas systems. He favored academic freedom for the faculty.

I ask unanimous consent that the following letter of transmittal of January 25, 1963, from Dr. Wilson be placed in the RECORD at this point.

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

AMERICAN COUNCIL ON EDUCATION,
Washington, D.C., January 25, 1963.

The attached statement, "Higher Education as a National Resource: A Proposed Federal Program," sets forth the basic 1963 legislative program of the American Council on Education.

I can assure you that the 1,000 colleges and universities and the 175 education organizations that comprise the council's membership will be grateful if you and the appropriate members of your staff can find time to read this brief document. We believe you will find it of interest and significance.

As we see it, there is evidence that the people of every State and district in the Nation are increasingly concerned about the issue of quality and opportunity in education.

If you have comments or suggestions, please be sure that I shall be pleased to have them.

Sincerely yours,

LOGAN WILSON.

Mr. YARBOROUGH. Mr. President, while all will not agree with all of these recommendations, I think the report worthy of study.

Mr. President, because of the timeliness of this report and the excellence of the information therein, I ask unanimous consent that the report in its entirety, consisting of 12 pages, be placed in the RECORD at this point.

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

THE AMERICAN COUNCIL ON EDUCATION PROPOSES A FEDERAL PROGRAM TO DEVELOP HIGHER EDUCATION AS A NATIONAL RESOURCE

American higher education is a priceless asset fundamental to the national purpose. It cannot be spoken of simply in terms of the value of buildings and equipment, the total number of persons served, the teachers involved, or the research performed. The Nation's colleges and junior colleges, universities, research institutes, and professional schools are all of these things, but something more. Broadly conceived, higher education constitutes a precious national resource essential to the achievement of great national goals and to the achievement of worthy aspirations of individual citizens. It is a resource also in the sense that, given favorable conditions, it is as capable of self-renewal as is a properly conserved forest.

As students, young men and women look to colleges and universities to help them fulfill their aspirations. Parents look to these institutions to help them realize the ambitions they have for their children. More significantly, the American people look to colleges and universities for a continuing supply of increasingly capable citizens. They expect institutions of higher education—especially universities and their associated professional schools—to explore new fields of knowledge and to apply this knowledge to the problems of business and industry, human development, and government.

Nor is it the American people alone who place a high value on their institutions of higher education. The governments and peoples of emerging nations are turning more and more for advice and assistance to our colleges and universities. There can be little doubt that American higher education must help meet the expectations not just of the Nation, but of the world as well.

Like any other resource, colleges and universities must be used wisely lest they be exploited and their values diminished. Thus far, American higher education has served without substantial impairment of its teaching and research functions. But as we approach the 1970's, it is quite clear that colleges and universities will be subject to pressures that could weaken their usefulness as national resources. To prevent such a possibility, and to develop further higher education's strength as a resource for the future, action must be taken now. Appropriate action involves individual citizens and private philanthropy, but it also involves local, State, and National governments.

The heaviest pressure on our colleges and universities—and one certain to increase—is the steadily rising number of persons who want to enter college. Not only are there vastly more individuals in the college-age group, but also more of them find it necessary and desirable to get a higher education.

Opening enrollment for the current academic year (4,175,000 in fall of 1962) shows a 17-percent increase over 1960, the start of the present decade. By 1965, it is estimated that the figure will have increased 46 percent over 1960. An opening enrollment of almost 7 million is projected for 1970—an increase of 94 percent over 1960.[1] To meet this situation, institutions of higher education, even with the most effective use of the staff and plant they now have, must enlarge their faculties and expand classroom and student housing facilities.

In addition, though more difficult to measure, the pressure of new knowledge on colleges and universities requires new (and expensive) research facilities and equipment. Our nation cannot afford to let its institutions fall behind in the search for new and better knowledge. To move ahead, we must expand and strengthen graduate education, including postdoctoral study, for the purpose of advancing knowledge of all kinds as well as for advancing learning on all levels. Throughout our educational system, in brief, we shall have to do a bigger and a better job. Achieving this objective will be costly; falling short of it will be even costlier.

The American Council on Education believes that the problems confronting higher education transcend State and local concerns, and thus have become an urgent national concern. We believe that, to maintain and develop higher education as a national resource, the Federal Government must supplement other sources of support. The Federal Government should do this, not to aid higher education, but to meet a national obligation to conserve and strengthen a national resource.

The council therefore proposes a broad program of Federal action to help expand and improve American higher education.

Although American higher education is unified in purpose, it is varied in its forms. We can think of it as a single entity when visualizing the impact of enrollment increases and sensing the obligation this places upon colleges and universities. But this concept of unity blurs the variety and complexity which must be considered in

[1] The conservative estimates of the U.S. Office of Education reflect the general increase in population aged 18–21, and assume that the present ratio of 38 college students per hundred in the 18–21 age group will rise to 48 per hundred by 1970. The increase in enrollment is not a temporary bulge, but a more permanent increase which will require even greater expansion in the 1970–80 decade. The 18–21 age group in 1980 (already born and approaching kindergarten) will be approximately 3 million larger than the equivalent group in 1970.

formulating a viable program. Such a program should meet the needs of institutions ranging in complexity from small colleges to large universities comprising many divisions and professional schools, in size from a few hundred students to many thousands, and in control from private to public.

The council believes it is well within the capacity of the American people, acting through their elected representatives in Congress and in response to leadership from the President, to implement a program of adequate support for higher education as a national resource.

This assertion, we are aware, proposes the use of Federal funds for private institutions as an integral part of the American system of higher education. This is nothing new, however, in either principle or practice. Historically, the Congress and the Federal Government have drawn no line of demarcation between public and private institutions of higher education when utilizing them in the national interest. The Federal Government has repeatedly called upon both public and private institutions to perform research and to serve as training centers for military officers. The Federal Government has provided grants to both public and private institutions for construction of research facilities. The Federal Government has granted funds to both public and private institutions for graduate education under the National Defense Education Act. In these and other ways, ample precedent exists for a program designed to develop both public and private institutions of higher education as a vital national resource.

For more than a hundred years the United States has supported and taken pride in a dual system of higher education which affords our youth the freedom to choose how and where they are to pursue their advanced learning. The American Council on Education believes in the soundness of this educational tradition and urges the American people, through their Federal Government, to support and develop it to meet the Nation's growing needs.

The proposals here set forth were recommended by the American Council's Commission on Federal Relations, and approved by the council's board of directors. By its nature, higher education is diverse and comprises institutions of many different traditions and views. As may be expected there are individual differences of opinion. Nevertheless, our recommendations represent a thoughtful consensus of representatives of all segments of American higher education. They take into account the views of the council's 1,000 member institutions and 175 member organizations.

The council recognizes the need also to strengthen elementary and secondary education and believes that the Federal Government has significant responsibilities on those levels. The American Council on Education, however, represents higher education. Our proposals are concerned accordingly with the need to strengthen colleges and universities.

THE PROPOSALS

I. Physical facilities

The Federal Government should take appropriate steps to assist colleges and universities in the construction of physical facilities for instruction, research, and student housing.

Instructional facilities: The council believes the need justifies a commitment by the Federal Government averaging $1 billion annually for a program of matching grants and low-interest loans for construction of academic facilities in both public and private institutions.[2]

[2] The magnitude of what the Federal commitment should be is suggested by the projections of facilities needs published by the U.S. Office of Education in 1962 as ch. 11 of "Economics of Higher Education." These projections show an average annual cost of construction for needed facilities of $2.21 billion in the years between 1961 and 1975. Average annual expenditures for construction are now approximately $1.25 billion. This rate can be sustained only if all present and anticipated sources of institutional financing of facilities are fully utilized. Another estimate of the probable magnitude of the required Federal commitment is found in the results of a November 1960 survey of council membership. Reports from 582 institutions, representing about half of total student enrollment at that time, indicated that, over a 5-year period, they would expect to request a total of $2.9 billion under a program of grants and loans. Of this amount, it was anticipated that about $2.1 billion, or 72 percent, would be for grants, and $800 million, or 28 percent, would be for loans.

Classrooms, laboratories, and libraries, are essential to any soundly conceived academic program. The institution which overcrowds these facilities or tries to make do with obsolete facilities risks serious impairment of the quality of its academic program.

Research facilities: Federal agencies which support research in colleges and universities should be authorized and encouraged to provide appropriate support for construction of the physical facilities and for acquisition of the equipment required for such research. Additional appropriations should be provided as needed for these purposes.

Student housing: The basic legislative authorization of $300 million annually for the college housing loan program runs until 1965. The Government is urged to make full use of its authority to make college housing loans and, if the demand for loans should exceed available funds, to seek additional lending authority.

II. Faculty

The Federal Government should expand programs that will help to increase the supply of college teachers and improve the quality of instruction and research in colleges and universities.

Supply of college teachers: Two principal sources of Federal support for individuals enrolled in graduate programs which would qualify them for college teaching are the National Science Foundation and the National Aeronautics and Space Administration. The programs of these agencies are restricted for the most part to the natural sciences. Moreover, they are directed primarily to research and only incidentally to college teaching. The NSF and NASA fellowship programs should be expanded as the number of qualified candidates increases. Nevertheless, it must be recognized that expansion of these programs does not necessarily insure that the participants will go into college teaching rather than research.

The quality of college education also depends on an adequate supply of well-prepared teachers in disciplines other than the sciences, for example, in English, history, political science, and economics. The Federal Government should support expansion of graduate education in such a way as to redress the present imbalance in favor of science, and to encourage the preparation of college teachers in many, instead of few, fields of learning.

The only Federal program specifically intended to increase the supply of college teachers in fields other than science is that authorized in title IV of the National Defense Education Act, supplemented by National Defense Education Act title VI scholarships to prepare researchers and teachers in modern foreign languages not commonly taught in the United States. To make the National Defense Education Act a more effective instrument for adding to the supply of college teachers, it should be amended as follows:

1. Increase the total number of fellowships available under the National Defense Education Act from 1,500 to 5,000, distributed in these categories:

(a) Up to 2,000 in the existing new or expanded category.

(b) Up to 2,000 in programs of graduate instruction in institutions which can make a major contribution toward meeting the pressing need for college teachers.

(c) Up to 1,000 1-year awards for college teachers who are within a year of completing the requirements for the doctorate.

2. Provide each institution a flat grant of $3,000 a year for each graduate student enrolled under the National Defense Education Act fellowship program with the stipulation that the institution waive all tuition and other fees (other than room and board) normally required of graduate students.

Improvement of quality of instruction: A prime factor in the improvement of academic instruction obviously is the improvement of faculty competence. In the scientific field, Federal programs presently afford faculty members opportunities for postdoctoral research as well as for carrying out research projects on their own campuses. Similar benefits to teachers in fields other than the natural sciences should be provided through amendments to the National Defense Education Act.

New legislation to support the operation of college and university libraries would also reinforce faculty research and scholarship. In many scholarly disciplines the library is a major research facility, comparable in importance to the laboratory.

The program suggested above for 1,000 1-year National Defense Education Act fellowships for college teachers within a year of completing the doctorate would add to the supply of fully qualified college teachers and, because it is directed to persons already in college teaching, would improve the competence of these persons.

In addition, the National Defense Education Act institutes in modern foreign language should be extended to college teachers of modern language without any distinction between teachers from public and private institutions. These modern language institutes should be authorized to include the teaching of English.

Finally, there should be increased use of existing legislative authority for exchanges of faculty members with foreign countries and for grants to actual and prospective college teachers to study abroad. The council believes that Federal agencies administering these programs should consult with the academic community in developing fresh approaches that will win support for needed and substantial increases in appropriations for international educational exchanges.

III. Students

There is need for appropriate Federal action to lower the financial barriers to higher education for qualified students.

The predicted enrollment increase of 2.8 million students between 1962–63 and 1970–71 places a high priority on the need for academic facilities and college teachers. Realization that enrollments will rise by one-fourth between 1962 and 1965 alone emphasizes the urgency of this need. Without adequate facilities and qualified teachers, our colleges and universities will have to resort to expedients detrimental to educational quality. Thus the council believes first priority should go to Federal programs designed to assure the coming generation of college students of classrooms, laboratories, and libraries in which to learn, and qualified persons to teach them.

All evidence indicates that charges to students for tuition, fees, and room and board in both public and private institutions

are continuing to rise sharply. This upward trend in costs has forced the student, his family, and the institution to plan more realistically the share of the cost that should be borne by grant assistance, loans, and student employment. But dangers lie ahead, since a study of trends also indicate that scholarships and institutional loan funds, even when augmented by Federal loan funds available under the National Defense Education Act, are not keeping pace either with the increase in number of students or with the upward cost trend. Furthermore, while the loan program of the National Defense Education Act has helped many families in the middle-income brackets, qualified students from the very-low-income levels are finding it more and more difficult to finance a college education.[3]

With National Defense Education Act assistance, State programs of testing and counseling, with special emphasis on early identification of talented students, have either been initiated or expanded. But it is not enough to identify the talented student who comes from a low-income family unless some hope of grant assistance can be offered by the time he must make the decision to go to college. In short, if equality of educational opportunity is to be more than an abstract slogan, the Federal Government must help colleges and universities provide grant assistance as well as loan assistance to able but needy students.

Student loans: The ceiling of $250,000 on Federal contributions to any one institutional loan fund should be removed so that institutions may request funds in proportion to the predictable demand for them. The National Defense Education Act student loan program should be made a permanent program, with the Federal capital contributions granted to the institutions as permanent revolving loan funds. From time to time additional appropriations should then be made for grants to institutions to reimburse them for the portion of loans forgiven for recipients who entered teaching, to meet the needs resulting from increasing enrollments, and to establish loan funds for institutions new to the program.

As a matter of equity to student borrowers, the 50 percent forgiveness of loans should be extended to all teaching, including college teaching in recognized public and private, nonprofit institutions of education.

Student grant assistance: With due regard to the priority needs for a Federal program of assistance for construction of academic facilities and for expansion of the National Defense Education Act fellowship program for training college teachers, a new Federal program of 4-year undergraduate scholarships should be provided to supplement the National Defense Education Act student loan program. This scholarship or grant assistance program should have as its primary objective the seeking out and assisting of students of academic promise and great financial need.

International student exchanges: in the Mutual Educational and Cultural Exchange Act of 1961, Congress recognized the need to increase the number of undergraduate and graduate student exchanges with foreign countries and to provide special services to foreign students enrolled in American colleges and universities. Congress should appropriate adequate funds to support these programs realistically if international exchanges of students are to be extended effectively to emerging nations, and if the foreign student is to obtain maximum benefit from study in an American institution.

[3] The statements in this paragraph are based on "Financial Aid to the Undergraduate: Issues and Implications," by Elmer D. West, to be published by the American Council on Education.

IV. Other proposals and considerations

The focus of Federal action to sustain and develop American higher education as a national resource must be on programs to assist institutions to meet the demand for better higher education for an increasing number of students. Thus the construction of academic facilities and the recruitment and preparation of qualified college teachers must have first priority for the academic community, and should have first priority in the thinking of Congress and the Executive. The need for more student financial assistance holds a second priority.

The council will continue to support other proposals for Federal action in the field of higher education. The list below is by no means inclusive, but among the proposals for which the council intends to provide appropriate support are these:

Federal assistance for construction of teaching facilities in medicine, dentistry, and other health professions.

Payment of full costs of federally sponsored research.

Equitable reimbursement to colleges and universities for expenses incurred in providing facilities and instruction for ROTC units.

Federal assistance to programs for college-level technician education.

Extension of the urban renewal program with annual authorizations sufficient to maintain benefits to the colleges and universities at least at current levels.

Amendments to the National Defense Education Act (a) to authorize preparation of persons to teach English as a second language, (b) to permit institutions and agencies undertaking National Defense Education Act-supported research to publish the results of such research, and (c) to authorize guidance institutes for training college student personnel workers.

Implementation of international agreements providing for tariff-free importation of books and scientific equipment.

Appropriations for Federal educational programs commensurate with the known demands for such programs. Particular emphasis will be placed on adequate appropriations for the salaries and expenses of the Office of Education, for the program of the National Defense Education Act, for the National Science Foundation, for grants in support of educational television, and for international educational exchanges.

In the interest of providing better coordination and focus for Federal programs in support of education, the American Council on Education believes there should be appropriate revision of Federal organization and administration to strengthen the U.S. Office of Education, and to bring the U.S. Commissioner of Education into a closer relationship with the President.

In addition the council is convinced that the Federal Government has an immediate responsibility to assess all of its present relationships with higher education and to take such steps as may be necessary to make these relationships more conducive to the long-term strengthening of the Nation's educational resources. In such an endeavor the council pledges its full cooperation and assistance.

THE URGENT NEED FOR DECISION

On December 15, 1962, President Logan Wilson of the American Council wrote the President of the United States:

"The crisis long predicted in the capacity of our institutions to meet the demands upon them is no longer something in the future. It is now."

It takes time to enact new Federal legislation and then to get it into effective operation. It also takes time to plan and then to build new buildings, and to complete the graduate education of a college teacher. Prompt action in the 1st session of the 88th Congress might result in a few new instructional buildings ready for use in the middle of the academic year 1963–64 and many more ready for use at the beginning of the 1964–65 academic year. The full effect, however, of a new Federal program for construction of academic facilities would not be felt until 1965–66 and beyond.

Similarly, assuming that Congress acts promptly in its 1963 session, expanded graduate programs for training college teachers would not make a significant difference in the supply of college teachers until 1965 and after.

The crisis cannot be averted, but it can be met without resorting to hastily devised crash programs. The decision lies both with Congress and with the President and his advisers. The American Council on Education is convinced that it speaks not only for organized higher education but for a much broader American consensus when it asserts that the opportunity for quality education beyond the high school should be widened and deepened through Federal action. With wise and effective Federal assistance, higher education can be maintained as an important national resource for generations to come.

USE OF AMERICAN-FLAG AIR CARRIERS BY GOVERNMENT EMPLOYEES

Mr. MAGNUSON. Mr. President, some years ago, when the American merchant marine, particularly the passenger end of it, was in very serious difficulty from the standpoint of scarcity of passengers, as chairman of the Merchant Marine and Fisheries Committee I had occasion to look into some of the causes for that situation, particularly from the standpoint of American citizens who were traveling around the world on the high seas not using American-flag vessels.

One of the reasons I found was that many Government employees, particularly State Department employees, who are legion, and who travel a great deal, doing a great deal of such traveling by ship, particularly between posts, because of the baggage problem, are not using American-flag ships, although space is available.

I remember that at one time a friend of mine, who is now the managing editor of the New York Times, and I went down to a dock in New York to see some newspaper people off. They were traveling to Europe, and they were traveling on the *America*. That ship is still operating, although overage.

We had occasion to go over to the next dock, in which one of the *Queens* was berthed—I forget whether it was the *Mary* or the *Elizabeth*—and there we found a horde of people from the State Department and from the foreign aid service on that *Queen*. On the other hand, one could shoot a cannon up and down the decks of the *America* without hitting a passenger. It was during an off-season time—in November or December and that was the situation then.

I proceeded to learn the facts. The result was that the State Department issued an order to the effect that those traveling at Government expense—I have even tried to expand it to include Congress, but I did not succeed—should travel on American-flag ships if space were available. The plan has worked

very satisfactorily. It has given our American-flag passenger liners a little more business, so to speak. They have scarcely been able to survive.

The same thing, over the years, has begun to apply to air travel. Last year the Senate, at our behest, adopted a concurrent resolution, which I shall have printed in full in the RECORD later. It suggested that the same procedure be used for American-flag air carriers.

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

Mr. MAGNUSON. I ask unanimous consent that I may proceed for 2 more minutes.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. MAGNUSON. I note that on October 26, 1962, shortly after Congress had adjourned sine die, the chairman of the Committee on Rules and Administration, the Senator from Montana [Mr. MANSFIELD], issued a supplemental order in compliance with Concurrent Resolution 53. I read subsection (c) from the supplemental order of the Committee on Rules and Administration in the form of a letter:

Use of U.S.-flag air carriers: All official air travel shall be performed on U.S.-flag air carriers except where travel on other aircraft (1) is essential to the official business concerned, or (2) is necessary to avoid unreasonable delay, expense, or inconvenience.

The letter goes on to state:

Travel vouchers containing expenditures for travel by other than U.S.-flag air carriers must hereafter contain a certified justification of such travel. Approval or disapproval of such expenditure will be made by the Committee on Rules and Administration upon presentation of the voucher for general approval prior to payment.

This rule apparently escaped the notice of many of us because Congress was not in session when the letter was issued.

I ask unanimous consent to have the resolution and the letter printed in the RECORD at this point.

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

[87th Cong., 2d sess.]

S. CON. RES. 53

Whereas Congress has by statute directed the preferential use of United States flag merchant vessels in connection with all travel by Government employees; and

Whereas as a matter of general policy the executive branch of the Government has for many years urged the preferential use of United States flag air carriers by governmental employees and United States governmental departments and agencies have adopted regulations accordingly; and

Whereas the development and preservation of a sound and strong United States civil air fleet is most vital to the national welfare and interest and its strength and prestige constantly maintained and preserved: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Senate and the House of Representatives that when travel on official business is to be performed on civil aircraft by legislative and Government officers and employees, that said travel be performed by them on United States flag air carriers, except where travel on other aircraft (a) is essential to the official business concerned, or (b) is necessary to avoid unreasonable delay, expense, or inconvenience.

U.S. SENATE,
COMMITTEE ON
RULES AND ADMINISTRATION,
October 26, 1962.

The Honorable U.S. SENATE,
Washington, D.C.

DEAR ———: Senate Concurrent Resolution 53, agreed to October 1, 1962, expresses the will of Congress that its Members and staff personnel should utilize U.S.-flag air carriers when engaged in air travel on official business. In compliance with that expression, the U.S. Senate Travel Regulations are amended, effective November 1, 1962, as follows:

"Title II (transportation expenses), subtitle A (common carrier transportation and accommodations), section 3 (airplane accommodations) is amended by adding thereto a new subsection (c) to read as follows:

"(c) Use of U.S.-flag air carriers: All official air travel shall be performed on U.S.-flag air carriers except where travel on other aircraft (1) is essential to the official business concerned or (2) is necessary to avoid unreasonable delay, expense, or inconvenience."

Travel vouchers containing expenditures for travel by other than U.S.-flag air carriers must hereafter contain a certified justification of such travel. Approval or disapproval of such expenditure will be made by the Committee on Rules and Administration upon presentation of the voucher for general approval prior to payment.

With best personal wishes, I am,
Sincerely yours,

MIKE MANSFIELD,
Chairman.

PROPOSED TAX REDUCTION

Mr. SCOTT. Mr. President, the proposals for the new budget and the so-called tax reform seem to be in for some rough sailing, inasmuch as the Government appears to be taking away a good deal of what it offers to give.

Newspaper comment is generally unfavorable, particularly on the inequities that would result in the case of retired persons, and with respect to the 5-percent penalty on contributions.

For example, a retired person, one of tens of thousands—policemen, firemen, members of the Armed Forces—who retired before he was 65, even though he were in the lowest tax bracket, under President Kennedy's proposal would be faced by an increase in his Federal income tax. The person to whom I refer objects to it. He says, "Although I am in the lowest tax bracket, President Kennedy's proposed tax charges will increase my Federal income tax." He itemizes the various charges. He further states that it will be 23 years before he gains by the proposed law, which length of time is greater than his life expectancy. He does not like it.

I believe it will be discovered that the tax plan has been badly drawn and ill conceived, and that it would actually increase the tax of retirees under 65, that it is hard on the farmers, that it is particularly tough on wives as compared with girl friends, as the senior Senator from Delaware pointed out the other day, and that it is loaded with inequities.

I ask unanimous consent that there be included in the RECORD as this point the letter to the editor from which I have quoted, and editorials from the Philadelphia Inquirer, the Philadelphia Sunday Bulletin, and the Washington Post on the tax proposal and the budget, with particular reference to the inequities which I have discussed and to the numerous additional holes in the tax bill which was intended to close loopholes but which would be opened up like a sieve in order to close a half dozen or more.

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

THIS IS A TAX CUT?

Although I am in the lowest tax bracket, President Kennedy's proposed tax charges would increase my Federal income tax as follows: In 1963 by $274; in 1964 by $215; and in 1965, 1966 and 1967 by $186 per year. In 1968 I will become 65 years of age, and my tax will be $57 per year less than at present. At that rate it will be 23 years before I gain by the proposed law, which is greater than my life expectancy.

I am not an exceptional case, but one of the tens of thousands of persons such as policemen, firemen, teachers, members of the Armed Forces, etc., who retired before they were 65 years of age under a public retirement system, one established by the Federal Government.

HEMAN W. PEIRCE,
Chief Warrant Officer, U.S. Army, Retired.
WASHINGTON.

[From the Philadelphia Inquirer, Feb. 3, 1963]

CONGRESS AND THE TAX CUT

As Congress prepares to take up the matter of income tax reduction and reform—with hearings by the House Ways and Means Committee scheduled to begin this week—the foremost objective should be to cut taxes and enact reforms in the most simplified and equitable manner possible.

Existing tax laws are not only too burdensome and unfair, they are too complicated. The complexities of computing the proper amount due the Government are overpowering. Despite perennial efforts to make tax forms and accompanying instructions more understandable they have become increasingly confusing.

President Kennedy's tax proposals—calling both for reductions and reforms applicable to all individuals and corporations—are basically sound and we support them. His objectives—to be just to everyone and to slight no one—are inherently good and we applaud them. But some of the detailed methods prescribed by the administration to attain these objectives are cumbersome, impractical and self-defeating. Close scrutiny and careful study by Congress should produce constructive suggestions for improving upon the initial recommendations.

It seems to us that a direct approach to tax reduction is best. If the Government wishes to cut a citizen's tax liability by $1, what is to be gained by giving him a theoretical reduction of a dollar and a half and then demanding that 50 cents of it be handed back? That's doing it the hard way.

The outstanding illustration of this now-you-see-it-now-you-don't approach to tax reduction is the proposal to eliminate Federal income tax deductions is the proposal to eliminate Federal income tax deduction for itemized charitable contributions, interest payments, State and local taxes, etc., except for the portion, if any, in excess of 5 percent of adjusted gross income. Deductions for medical expenses and drugs would be even more severely limited under a complex two-part formula.

In addition to the extreme difficulties that would be encountered in computing and

checking tax returns under this system there is a more important consideration: the harmful effect that these deduction limitations would have on charitable institutions, State and local governments, and the general economy.

Losses sustained by charitable organizations would be immense, in some cases disastrous. If donations were not tax deductible they would become smaller and fewer. The Federal Government, by restricting tax deductions, would weaken or destroy many tax-exempt institutions and foundations. Much of their good work would need to be carried on by the Government, with taxpayers bearing the cost.

Educational and religious institutions, hospitals, libraries, fire departments, and so on would all suffer under the limited-deduction provision. The list is endless. The loss to every community is incalculable.

Refusal by the Federal Government to allow deductions for all taxes paid to State and local governments would be a cruel form of double taxation. States and municipalities would find it increasingly difficult to raise revenue for their needs.

Failure to allow deductions for all interest on mortgages and installment buying would discourage homeownership and have a depressing effect on business.

Congress has its work cut out. Tax cuts and tax reform must be planned with great care, for the good of the country and all the people.

[From the Philadelphia Bulletin, Feb. 3, 1963]

AN ANALYSIS OF THE FEDERAL BUDGET

A careful analysis of the Kennedy administration's proposed budget by the research office of the Council of State Chambers of Commerce tends to indicate that the administration does not contemplate the real holdback in domestic, nondefense spending that the President implied it would.

Although on the surface, the budget seems to indicate that the only increase in spending will take place in the areas of defense and space development, the council says, it appears that way only because several new domestic spending programs are compensated for by several one shot and uncertain spending cuts, which represent, on the whole, special circumstances rather than a curtailment of programs.

As an example, new spending programs in the fields of education, youth employment opportunities, urban mass transit, medical training, hospital construction, and child health are roughly offset in the fiscal 1964 budget by anticipated sales of surplus cotton in 1964, by anticipated sales of loans held by the Export-Import Bank, by a drop in postal deficits due to postal rate increases, by a bookkeeping device whereby, if Congress approves, REA loan receipts would be offset against expenditures, by the absence of the one-shot $100 million outlay for U.N. bonds, and by an anticipated increase in private sales of housing mortgages held by FNMA.

In addition, the full burden of the new spending programs proposed would not be felt until after fiscal 1964. Only preliminary actual expenditures are contemplated during fiscal 1964. This is reflected by the increase in new spending authority—the authority to make commitments to spend in the future—requested in the budget.

The lack of serious intent to hold back domestic spending growth is also reflected, the council contends, by the projected increase in Federal civilian employment. The 3½-year increase in Federal civilian employees, as projected through the end of the 1964 budget year, would be 229,000, as contrasted to a net reduction of 26,500 during the 6 years from 1954 through June 1960.

If this analysis is correct, the Kennedy administration has shown no real intention—tax cut or no tax cut—of holding back domestic expenditures until the budget can be brought into balance.

[From the Washington Post, Feb. 3, 1963]

THE TAX DEDUCTION FLOOR

Although the debate on the administration's tax program is just beginning, it is already apparent that a heavy volley of hostile criticism is going to be concentrated on the proposal to place a progressive limitation on personal income tax deductions which are itemized.

President Kennedy recommended that corporate and personal income taxes be reduced by a total of $13.6 billion, but that $3.4 billion of the Treasury's losses be recouped through reform measures, the principal one of which involves itemized deductions. By limiting the total of itemized deductions to those in excess of 5 percent of an individual's adjusted gross income, the Treasury would raise nearly $2.3 billion, or more than two-thirds of the $3.4 billion that is to be recouped. Since 40 percent of the taxpayers will claim some $40 billion in itemized deductions for 1962, neither the political nor the economic impacts of this proposal can be ignored.

The rationale for eliminating or limiting personal deductions involves considerations of equity and economic incentives. Since interest charges may be deducted, the present tax regulations have been criticized on the ground that they discriminate against persons who rent dwelling space and, therefore, pay no interest on mortgages or against those who purchase automobiles and other consumer durables for cash. Moreover, personal deductions narrow the tax base, making it necessary to impose higher tax rates which have a deleterious effect upon economic incentive. Under the President's program, personal income tax rates would range from 14 to 65 percent. But if the progressive limitations on itemized deductions were not imposed, the tax rates required to raise the $2.3 billion would range between 14.5 and 77 percent, and rates would run from two to three points higher over the $10,000 to $20,000 income brackets.

But the incentive and equity arguments are blunted when the compromise proposal to limit itemized deductions is weighted against political realities. Few honest taxpayers with legitimate expenses are going to be impressed by the subtle considerations that motivate the proponents of tax reform. They will instead charge that the deduction proposal is an ill-concealed attempt by the Treasury to take away with the left hand what it gives with the right. Furthermore, the proposal merely to limit deductions will not go very far in eliminating inequities. The allowable deductions for persons in the same tax bracket will be largely determined by the size of their interest-bearing debts.

Unlike the proposals affecting oil depletion allowances or real estate tax shelters, the limitation on itemized deductions affects a broad segment of the taxpaying public. And in view of the stiff resistance that the administration will encounter to its proposals for a tax cut and a planned budgetary deficit, the introduction of this dubious measure of reform is hardly the better part of political wisdom.

IN DEFENSE OF POLITICS

Mr. KUCHEL. Mr. President, late in January, before the Commonwealth Club of California, in the city of San Francisco, a distinguished American citizen, Mr. James P. Mitchell, delivered a thoughtful address entitled "In Defense of Politics." Jim Mitchell was a splendid Secretary of Labor in the administration of President Dwight D. Eisenhower. A native of New Jersey, with extensive managerial experience in both local and national government, and in the retail industry, Jim Mitchell is now a resident of California.

I am glad to welcome him as a fellow Californian. As vice president and member of the executive committee of the Crown Zellerbach Corp., Jim Mitchell is an active leader in the western business community.

The burden of Mr. Mitchell's comments are that a businessman ought to be encouraged to participate in American government; and that, having participated, he ought to be able to return to business with a better understanding of government and a greater opportunity to make a contribution to the success and prosperity of both his business and his country.

The San Francisco Chronicle, commenting on Mr. Mitchell's speech, noted, in part, that—

> American business complains a good deal about the lack of understanding of its problems in Washington and the State capitals.

The Chronicle believes, as I believe, that Jim Mitchell has suggested an approach that could remedy this difficulty.

Mr. President, I ask unanimous consent that the complete text of Mr. Mitchell's excellent speech and the text of the Chronicle's editorial be printed at this point in the RECORD.

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

IN DEFENSE OF POLITICS

(Address by James P. Mitchell, vice president, Crown Zellerbach Corp.)

There is no more appropriate forum for a political speech in California than the Commonwealth Club, considering the influential audience you provide and your traditional policy of hearing both sides of the issues. But in defending politics today, perhaps I should clear up some possible misunderstandings at the outset.

In the first place, the California political fraternity in both parties has no cause for alarm. I left my political aspirations behind in a couple of strategic wards in Jersey City which went to the other side. As a matter of fact, I am not yet a fully naturalized Californian, much as I may feel like one after 7 months in the wonderful and stimulating State.

Secondly, I hope that anything I say today will not be construed in any partisan sense. Oddly enough it is possible to be objective and impartial about American politics and our political process if you decide to put your mind to it. That's why I'm a Republican.

When you stand off and look at the American system of representative government from any distance, it seems rather remarkable that a country as large and complex as ours can govern itself and periodically renew its political leadership without coming apart at one seam or another.

But as you come in closer on the American political scene, on the electorate, on the people who hold public office, the rougher edges begin to appear. You soon discover, for example, that the machinery of American politics functions with an almost monumental imprecision. It is so untidy, in fact, that it repels many types of excellent men who are appalled when they try to come to grips with it. The realities of political life, the lack

of precision and neatness, is often a shocking discovery to the man of business and industry suddenly projected into the political limelight.

And this is, I think, a source of continuing difficulty and misunderstanding between the American business community and those in public life; and there are, as we know, the extremists who throw up their hands and say the whole thing is a vast conspiracy designed to sell our birthright of liberty to the enemy within or to this or that foreign power.

In the face of the growing role of government at all levels in the United States, despite the constant impact of government actions and policies on our personal welfare, a wide gulf between the electorate and the office holders persists. It can be argued, I know, that the gulf exists for the very reason that government exercises such a powerful influence in American society, precisely because individuals feel that the last ramparts protecting personal freedom are about to fall.

But I am assuming that the complexities of our society and the sheer demands of our world position will continue to require strong government, led, staffed, and advised by the most competent people we can train and enlist for the purpose. In this case, the ramparts of personal freedom will be better defended by more understanding between the electorate and the elected, not less; by wider knowledge of the American political process, by a greater willingness to participate in political life and action and to move back and forth between the private and public sectors of the country as ability and talent permit.

It seems to me that the American business community has a special set of responsibilities in broadening the base of political participation in the United States. As the dominant factor in the growth of our economy, in the employment of our manpower, capital, and natural resources, it generates much of our international economic and political strength. It does not and cannot do this in a vacuum isolated from obligations to the public.

But the way in which businessmen take part in our public life is as important as the fact of participation itself. This goes a little deeper, I think, than getting business into politics, the movement which seems to have taken hold in recent years. Business in politics programs may run the risk of overemphasizing special interest, may tend to set the American business world apart from the rest of the country. No less a business voice than the Wall Street Journal sounded this note of caution not too long ago, pointing out that business and politics require quite different skills and training.

Many a businessman has gone to Washington to assume a high Federal office, only to return home disillusioned and unsettled by the experience. The reason, as the Journal pointed out, was that he continued to think and react as a businessman, instead of as a political leader who understood the problems of business. May I add that labor leaders have fared no better under similar circumstances. Both have remained amateurs in a field where professional talents are required.

But the businessman who has a political sense, who understands the responsibilities and the shifting ground rules of political leadership, the limitations as well as the opportunities of his job, can make a tremendous contribution to American life. There have been many successes to compensate for the failures.

The principal difficulty which prevents a more constructive dialog between the business community and the elective or appointive officeholder is that they live in such different atmospheres. Certainly the man who runs for office, whether he comes from business or law, is never quite the same after a political campaign, an experience most of us are fortunately not exposed to.

In his excellent book, "U.S. Senators and Their World," Prof. D. R. Matthews, of the University of North Carolina, says:

"Political campaigning forces a man out of the comfortable cocoon of self-imposed uniformity within which most of us live. It results in acute awareness of the vast differences in the conditions, interests, opinions, and styles of life of the American people and a detached tolerance toward this diversity."

The appointive officer, who is at least spared the rigors of campaigning for his position, goes through a cold bath of his own before he settles down in his new job and finds that the range of pressures and interests descending on him is far greater than he ever imagined. But whether elective or appointive, if he has been a businessman he now begins to appreciate some of the essential differences between his new life and the old, between his new responsibilities and those he has left.

These differences exist across a wide spectrum, but they are perhaps most noticeable in areas of responsibility and function that are common to both the business leader and the officeholder. Both are accountable, if to different constituencies. Both must communicate, if to different audiences. Both must be available, if to different visitors. Both must plan ahead, if in quite different contexts.

The business leader is clearly accountable—to his board of directors, his stockholders, his associates and employees, and in a broad sense to the general public. But compared to the officeholder his accountability is expressed in a more or less orderly, systematic, reasonably well defined way. By and large if he runs a profitable company he will satisfy the requirements of his owners, the stockholders. In fact, his ability to turn a profit and run a successful business will compensate for other weaknesses or deficiencies. Granting the heavy pressure and the difficult problems of managing a business organization and of meeting the payroll, there is at least general agreement on the criteria, on the standards by which his performance will be judged from one year to the next. He in turn can hold his colleagues and employees accountable for their own actions and contributions to the organization.

The officeholder, on the other hand, can be accountable to hundreds of thousands of constituents, each representing a vast assortment of interests, some of which are much noisier and more articulate in their demands than others. Moreover, he can be held accountable several times a day and sometimes far into the night. I know of a prominent western Governor who was awakened at 3 and 4 in the morning by angry constituents because he had vetoed a bill permitting singing in taverns. It is amazing what some voters will feel deeply about.

Some constituents will hold their Senator or Congressman accountable for not paying sufficient attention to legislative duties, for spending too much time mending fences back home. Others will take after him for neglecting his district, for failing to keep in touch with the electorate, a point of vulnerability his opponents will be quick to exploit.

In fairly recent elections there have been a number of cases involving the defeat or near defeat of highly dedicated, experienced men who had devoted an increasing amount of their time to their congressional responsibilities in Washington. The seniority system in both Houses places the greatest demands on the time of the most experienced legislators, forcing them to remain away from their districts for longer and longer periods. In this way, what would be normally considered devotion to one's job in a business firm can become a distinct political liability to the officeholder at the very peak of his career and influence.

In the area of communications, the responsibilities are also quite different. The businessman communicates with one body of constituents, the stockholders, in well considered financial statements, issued at regular, predictable intervals. He exercises control over his communications with employees and his customers. He may or may not deal with the press. Certainly he has the option of making or not making public statements, when he makes them he is generally pretty careful about what he says. He will not shoot from the hip if he can possibly avoid it. Even the heads of very large corporations can keep out of the public eye if they choose to do so, and many do.

But the businessman turned Cabinet member, or Governor or Congressman, will be called upon to make public statements, to react officially to events many times a day. Indeed, he will have to cultivate the press if he is to be effective in his job at all, because it is the only way he can develop public support for his policies or programs. As a Congressman or Senator he can be called repeatedly to answer press queries, and whether he has had time to consider the problem or not he will have to think of something to say. If he happens to be an appointive officer, on the other hand, he may be questioned vigorously by congressional committees, and in the give and take of those wearing sessions may drop an offhand remark that will stare out at him as a front page headline over his morning coffee the next day. When he does, he will be inclined to agree with the astute Washington correspondent who said: "Newspapermen and politicians are natural enemies, mostly because they need each other."

Charlie Wilson, the Secretary of Defense under the Eisenhower administration, did not say, "What's good for General Motors is good for the country." What he said was, "What's good for the country is good for General Motors." But to that commendable expression of sentiment he added three small, unusually quite innocent words: "and vice versa," producing a shock wave felt around the country and remembered to the present day.

Instant opinions, instant reactions to a wide variety of events outside of his immediate business concerns, these are not significant preoccupations of the American businessman. They are demanded of the officeholder, however, and the glittering generality of which politicians are so often accused can also be a way of buying time to work out a more thoughtful answer.

Of all men in public life, the representative in a legislative body is the most available individual in American society. The executive in business can, at least to a considerable degree, plan his day, even his week or month. If he could not, he would find it exceedingly difficult to manage his enterprise. He can refuse to see the casual visitor or the time waster who takes him away from attending to his job. Generally speaking, businessmen are considerate about the way in which they use each other's time as well. They call in advance. They arrange to meet at mutually convenient times, not always of course, but these amenities and courtesies are normally adhered to.

The officeholder, especially the man in elective office, feels as though he were rocking along out of control most of the time. He has comparatively little to say about his working day. Interruptions are constant. Senators, Representatives, State Governors, mayors have their working schedules frequently broken into by unannounced constituents with nothing more serious in mind than a casual chat or a tour of the city. And among the worst offenders are the big campaign contributors. They refuse to talk to staff assistants, only the principal himself will do, and once in his office often as not they will unload an issue or problem with which the public official is totally unfamiliar.

It is not unusual for important constituents to ask their Congressmen to make hotel reservations for them, or to turn up as unexpected houseguests. One important Senator, according to a recent study of relationships between Members of Congress and their constituents, has even been asked to track down errant husbands. I understand that his batting average is actually pretty high.

I would assume that most constituents believe their Washington Representatives are devoting most of their time to legislation, to their committee assignments, to the work of Congress itself. In reality they spend half their working hours or more, much more in many cases, on the problems of their constituents.

Much of this load stems from the growth of the Federal Government and the increasing impact of Federal agencies on our daily lives. One Senator has reported that he receives more than 40,000 letters a month on social security problems alone. Defense contracts have become increasingly significant in the economies of many States, California in particular. The individual Congressman or Senator must do his best to see that his State or district is not overlooked, and if he neglects this activity his constituents will remind him quickly and sharply of it.

His volume of casework, his inability to control his time, and the demands that take him away from the lawmaking process have been a source of growing concern to many a thoughtful and dedicated man in political life. In the words of a prominent Senator: "I just don't have time to study the bills as I should, and as the people back home think I'm doing. I'm just dealing off the top of the deck all the time."

From this comparison of the businessman with the officeholder in these areas of shared responsibilities, and their different approaches to them, you might possibly conclude that I am about to advocate a program of Federal assistance to our newest underprivileged class, our lawmakers and public servants. I assure you that nothing is further from my mind. I merely believe that as our representatives must know about the problems of the electorate, so should the electorate become more knowledgeable about the problems of legislation and government administration. I think we have a good distance to go from where we are today.

I suggest that one way to begin would be to reexamine many of our prejudices and traditional concepts about American politics and make an effort to discard the caricature for the reality. Strangely enough, the American officeholder does not take kindly to being called a crook, especially after he has put in a 14- to 16-hour day working on the problems of his constituents. Yet, a large proportion of the American electorate believes that you cannot be honest and be a politician.

Not long ago, a sample of American voters was asked the question: "If you had a son, would you like to see him go into politics as a life's work, when he gets out of school?"

Of those polled, 68 percent answered no, 21 percent answered yes, and 11 percent had no opinion. Those who opposed a political career for their sons said that politics were crooked and unethical, and that the temptations of a political career were too great. The explanation given by those who said yes is even more interesting. They wanted their clean-living and clean-minded sons to turn out the rascals who were in politics now. All told, on the basis of this particular study, half the American electorate believes that politics and ethics somehow do not mix.

Over the course of many years in Washington, I met many men in office with whom I agreed and disagreed. And so far as Congress is concerned, I go along with James Reston of the New York Times, who knows the workings of Capitol Hill as well as any observer in the country, when he says that most Congressmen are conscientious and industrious men and women with high ethical standards. And there are those who turn the argument on the American voter and say that he is getting a better deal than he deserves.

The caliber of our representation can be much improved, and we should work constantly to improve it. But it is better than we realize because of two trends working in the voter's favor. The educational level of our representatives is rising, and younger people, despite the attitude of their parents, are going into politics. The educational level in Congress, especially in the Senate, is among the very highest in the country. A majority of Senators and around half the Members of the House have been through postgraduate work of considerable intensity, principally but by no means exclusively in the law. And while the average age in the Senate is 57, as against 52 in the House, it is notable that among the first-term newcomers the average is 44, against 43 in the House.

While thorough documentation is lacking at the State level, there are indications that a similar trend may be in progress in our State capitals. I have been advised by men with many years of experience in Sacramento that members of the legislature are not only younger, but of higher caliber and much better qualified for their work than their predecessors of 20 to 30 years ago. It is good to know, I think, that the man who says he didn't raise his son to be a politician may actually be raising a very good one.

And yet the caricature persists, preventing even better men from seriously considering public office, elective or appointive, as either a career or as part of their education and general experience. It persists, I think, because we as voters do not know enough about the ways in which the political process actually functions.

When the officeholder talks privately and frankly about his constituents his most frequent criticism is their lack of knowledge of the legislative system. He will talk possibly in the terms of a bright—and young—member of a State legislature in the Pacific Northwest who told me recently:

"People, as a group, seldom analyze the overall political problem. They tend to drastically oversimplify all issues—urban needs, resource needs—and to relate the revenue question to their individual sphere of interest. The industrial associations give us hell constantly. Would but they might occasionally say a word in our behalf. When it comes time to decide financing new highways, schools, and so forth, they are usually broadly against any tax increase, but offer no solution on how to operate government without the increases."

In this connection, I recall a visit I had one day from a business group which had a matter it wished to bring to the Department of Labor. One of those gentlemen asked me during the discussion how I could have turned my back on business, on everything I had stood for, and become Secretary of Labor. It was difficult for him to grasp that a man with a business background could function in any impartial way in the field of labor-management relations and national labor policy.

In short, voters and special interest groups tend to approach their representatives with a particular proposal or objective in mind. When it emerges at the other end of the system, distorted, pulled out of shape by compromise and amendment, or does not emerge at all, the cry of "sellout" can be heard across the land. But very seldom does anyone get exactly what he wants from a legislature. After several years of submitting proposals to Congress, I assure you I speak from experience.

One of the principal reasons for this, not the only one of course, is that the conscientious legislator must begin to think in terms broader than this or that special interest. This reaches its peak in Congress whose Members are constantly confronted with issues, problems, and legislation of national scope, and often with deep international implications.

Hackneyed as the phrase may be, politics is, after all, the art of the possible, and voters too often ask for the impossible, are frustrated by the result and quickly conclude that moral and ethical standards have been violated in the bargain.

It seems to me that the time has come to begin building a few bridges across this gulf of misunderstanding that separates the electorate from the officeholder. One advantage we have is that we are a political nation, that we do admire men who have made substantial contributions in public life, that the leaders who have commanded the greatest esteem and respect throughout our history have been political figures. Our attitude toward politics is contradictory; it both attracts and repels us.

We might reduce this contradictory attitude to manageable and constructive proportions if we thought of public office, at whatever level, as a profession, a profession as stringent and demanding as any discipline in American society.

We cannot all be experts in the profession of politics, any more than we can all be doctors, scientists or the managers of large industrial organizations. But we can exercise intelligence in the choice of men and women who enter it. We can adjust our educational system to train people for it, at least more effectively and pointedly than we do today.

If we adopt such an approach, what should be the role of American business and industry, for which government and politics have such obvious implications, since they determine the general climate of all commerce in the United States? I would say to this that business in politics is perhaps acceptable as far as it goes, but that it does not go far enough. The participation in the political process which is recommended is too limited and I fear the results will be limited as well.

In times of national emergency, business and industry have not hesitated to make their best people available for public service. The question might be raised as to whether business and industry could develop a workable public service policy that can operate on a continuing basis, not merely when there is a national crisis.

Business and industry might rather think in terms of government and politics as a legitimate and desirable form of experience for qualified members of management. The day is long past, however nostalgically we may look back on it, when American business can operate in an atmosphere free of government influence, or uninhibited by public policies. It might coexist better with government if both knew more about the other's problems, if there was more flexibility in the movement of people and talent between the public and private sectors of the national economy.

And in government and politics there is nothing that can substitute for on-the-job training.

The lawyer, who more than any other professional man gravitates toward the political life, can return to his private practice if he is defeated for an elective office or when he leaves an appointive office. The young businessman does not generally have this option. If he becomes an officeholder he generally severs his connection with his business organization. When he returns to private life it must be to another firm, possibly even another type of work.

But supposing young men of business were released for an elective or appointive office on a leave-of-absence basis, with some form

of assurance that they could return to their business association, not as lost sheep coming back to the fold, but as men who could make a better contribution to the success and prosperity of the organization? I believe we might discover that a year in public service would be worth 5 years on the job back home.

Such a program and such a policy in the American business community might well serve two useful objectives. First, American management would be in a better position to draw more frequently and more usefully on the experience of its own members in the political process and the operations of government, as they rejoin their organizations after a tour of public service. This, I think, would in time build for better communications between business and government.

Secondly, some of the best might stay in politics as a career and develop the professional skills required of the officeholder. Would this be a gain or a loss to business? I suspect that on balance it would be a gain. For it would not only further improve the caliber of our representation, but would inject into politics and government more men who combine knowledge of the problems of business and of our private economy with political talent and sense. And for those who succeeded in attaining professional stature, public service may prove to be an endlessly fascinating, rewarding, if somewhat nerve-racking life, rather reminding me of the Senator who said: "I don't see why anybody would want this job. Don't quote me on that, I'm running for reelection."

[From the San Francisco Chronicle, Jan. 28, 1963]

BUSINESS POLITICIANS

In a talk to the Commonwealth Club Friday, Industrialist James P. Mitchell, who was Secretary of Labor in the Eisenhower administration, offered one of the better suggestions we have heard for getting business into politics.

Noting that a lawyer who goes into political life can return to his practice if he is defeated or retires, Mitchell observed that the young businessman with an urge for politics does not often have this option. "Why shouldn't he be released on leave of absence from his corporation job with the assurance that he could return to it?" Mitchell asked.

He suggested such a sabbatical from business could serve either of two purposes: On the politician-businessman's return, management would be able to draw on his experience to build better understanding between business and government, or if he stayed on in politics there would still be a benefit from having injected into government a man who combined knowledge of the private economy with political sense.

American business complains a good deal about the lack of understanding of its problems in Washington and the State capitals. This would be a way to improve it.

PROGRESS IN HEALTH CARE FOR MIGRANT WORKERS

Mr. KUCHEL. Mr. President, one of the most worthwhile programs enacted by the last Congress was the Migrant Health Act, which authorized Federal grants to assist State medical services for seasonal farmworkers. Extensive studies by the Subcommittee on Migratory Labor have shown that the general health of migrant families is among the poorest in the Nation. These workers are constantly on the move and have little opportunity to seek adequate medical attention. As a result, the children lack basic immunization and the adults suffer from many diseases which could be easily cured if detected.

I am proud that my own State of California has attacked the crucial problems of the migratory farmworker through the Farm Workers Health Service, which was established 2 years ago. With the active cooperation of growers, county medical societies and community organizations, the Farm Workers Health Service has done outstanding work in assisting local communities in their efforts to improve the health of the migrant family. However, their efforts have been hampered by a lack of funds and personnel. Now they have submitted an application for $490,000 to the Department of Health, Education, and Welfare; this money would provide more family clinics, improved sanitation conditions and increase public health nursing services.

Because of our 2 years of experience with migrant health projects, the California Department of Health was able to submit promptly a plan to expand its existing programs. California has responded to the opportunities offered by this act. The Department of Health, Education, and Welfare, by acting expeditiously on California's application can join in this opportunity and thereby fulfill a long overdue obligation to this neglected group of citizens. Now that Congress has expressed its intention to do something about these problems, prompt and vigorous action by the Department of Health, Education, and Welfare will bring much needed aid to migrants this year. From this project, those interested in a better life for migrant farmworkers throughout our land will gain the necessary experience on which to base their own health care programs in this important area.

NEW PERSPECTIVE FOR BANK EXPANSION AND ECONOMIC GROWTH—ADDRESS BY JAMES J. SAXON, COMPTROLLER OF THE CURRENCY

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an impressive statement presenting a new perspective for bank expansion and economic growth. The statement was made by the Honorable James J. Saxon, Comptroller of the Currency, on the 100th anniversary of the formation of the national banking system. The transformation that is slowly taking place within the banking community as a result of the transfusion of energy and new ideas by Mr. Saxon is one of the healthiest developments of the New Frontier. The antitrust laws, prudently and decisively applied, are important police measures but the careful and restrained introduction of competition within the banking community may well in the long run prove to be as significant if not a more significant step in encouraging American banking to meet its responsibilities in an expanding economy. Mr. Saxon's proposals and actions have caused considerable discussion in finance and banking circles. To say the least, some of the suggestions are controversial. However, Mr. Saxon is performing a genuine service to the business and banking community by his forthright recommendations and decisions.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota?

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

BANK EXPANSION AND ECONOMIC GROWTH: A NEW PERSPECTIVE

Next month will mark the 100th anniversary of the formation of the national banking system. At the time the Congress provided for the chartering of national banks, one prime need was for an effective payments medium to supplant the unsatisfactory system of notes issued by State-chartered banks. In the intervening years, the national banks lost their note-issuing power, and primary attention in bank regulation shifted to the protection of depositors with all that this implies in the way of continuous supervision. Throughout the course of evolution of the national banking system, changes of policy have taken place chiefly in response to banking crises which generated demands for more rigorous limitations over banking operations. This crisis orientation has survived to the present day.

The basic need for bank regulation and supervision is as essential today as it was at the time the national banking system was founded. We now have a clearer conception, however, of the essential role of banks in the economy. What is lacking is the full application of these concepts to the structure of public control in the field of banking.

As our economy has grown, it has become increasingly evident that the commercial banking system occupies a central role in its progress. It is upon the commercial banking system that we significantly rely for the marshaling and disposition of our capital resources, and the provision of our payments mechanism. A deficiency in that financial mechanism will critically affect the rate of our economic growth.

It is often pointed out that the growth of our commercial banking system has lagged behind the pace of our economic advance. Nonbank financial institutions have come into being and prospered, to fill in some degree the gaps left by these deficiencies. Commercial banks, however, offer a wider variety of services than any one of these other financial institutions, and have a greater potential for adaptation to the growing range of new requirements. It is essential in the national interest that this key financial instrumentality should not be needlessly constricted.

There are two broad areas in which basic reforms are required if our commercial banking system is to perform with fullest efficiency its essential role in the growth of our economy. One relates to the power which banks are allowed to exercise in the conduct of their operations. The other relates to the authority of banks to extend the area of their operations in a spatial sense.

BANKING POWERS

The present limitations over banking powers were intensively examined in the recent report of our advisory committee. That report is the subject of a panel discussion here this afternoon, and I shall describe it only briefly, and indicate the steps which we have taken to carry out the committee's recommendations.

Every significant phase of the operating policies, practices, and procedures of the Comptroller's Office and of national banks was critically reappraised in the advisory committee report. A wide range of recommendations was proposed with respect to the lending and investment powers of national banks, their trust powers, their borrowing

powers, the alternatives open to them to provide needed capital, and the various details of their corporate procedures. The report also appraised the relationship of national banks to the Federal Reserve System, and the heavy penalties and burdens of mandatory membership; and surveyed and constrictions imposed on the foreign operations of national banks.

Since that report was completed, these recommendations have been subjected to intensive examination within our Office, and a number of steps have been taken to promulgate new policies and procedures to bring them into effect.

New regulations have been issued allowing the use of preferred stock and capital debentures as normal means of raising capital; and permitting the use of authorized but unissued stock, provision for employee stock option plans, and the appointment of a limited number of directors between annual meetings. Commencing February 1, national banks will be required to submit annual financial reports and proxy statements to their shareholders. Moreover, we are now at the final stages of developing revised regulations and procedures relating to the trust and investment powers of national banks; and the revision of the entire body of interpretations and policies set forth in our "Digest of Opinions" is substantially completed. We are also well along in the revision of the trust and commercial examination forms, and the respective related instructions to examiners. When these new instructions are completed, they will be made available to the national banks.

A broad consensus prevails in the banking community concerning the need for modification of the powers, regulations, and procedures affecting banking operations, and we have encountered little controversy in working out measures to meet these needs. There is little disagreement with the view that commercial banks require greater latitude in operations if they are to meet current and future needs for banking services.

BANK EXPANSION

The same understanding does not prevail with respect to the principles which should govern the expansion of banking facilities. While most bankers agree that added powers and broader discretion in the exercise of these powers are needed, they do not view policy toward bank expansion with the same degree of unanimity.

The cause of this difference is not difficult to understand. While some bankers with a vision of the future, and the initiative to explore new opportunities, favor liberalization of the limitations which now constrict their expansion—many others regard such a policy as a threat to their survival, or at least to their comfort. Evidence that these limitations have hampered the needed growth of banking facilities, and provided favorable opportunities for nonbank financial institutions, have not always been persuasive in the face of the hope that this need or threat would not touch them.

In resolving these issues, we must search for considerations which transcend the private interests of individual banks. These are to be found, fundamentally, in the public purposes which underlie the regulation of bank entry and the control of bank expansion.

While these limitations and controls are essentially negative in their operation, they are founded on positive objectives of public policy. Were it not for the fact that it is considered necessary to preserve the solvency and liquidity of banks, freedom of entry could be allowed in the field of banking. Reliance could then be placed solely on the antitrust laws to maintain competition and regulate competitive practices in serving the public's needs for banking services and facilities. The fact that entry restrictions are needed in order to maintain bank solvency and liquidity will not, however, justify such restrictions beyond the requirements for this purpose. Indeed, if the banking system is to foster economic growth in the fullest degree, the concept of bank solvency and liquidity must be broadened to include safeguards against inertia.

While almost every form of bank expansion has come under criticism by those who fear adverse competitive effects, much of the opposition is centered upon certain of the particular techniques employed. Viewed in proper perspective, however, it is clear that the principal concern should be to insure the adequacy of banking facilities. The need to employ particular techniques should be judged solely according to their suitability for this purpose.

NEW CHARTERS

In most circumstances, some degree of permissible entry by newly-formed institutions is essential in order to provide constant access by succeeding generations of fresh talent, and so as to broaden the sources of capital and initiative through which the demands for banking services may be developed and served. Because of the vital role that banks play in the growth of our economy, it is of critical necessity to insure that new opportunities do not fail of development because of inertia in the banking system. Progress in the industrial and commercial sectors of the economy could be impaired or hampered if the financial mechanism were deficient.

Some argue that entry restrictions should be entirely removed in the field of banking, on the ground that depositor protection could be achieved without them while the public would gain the advantages of greater competition. If this were done, however, it would also be necessary to abandon direct control of bank expansion through branching and merger, and to rely upon antitrust enforcement to prevent harmful concentration of power and to regulate competitive practices. There could be no justifiable basis for allowing newly formed institutions free access to the industry of banking, while the expansion of existing institutions is directly restricted. Complete reliance upon competitive forces to determine bank entry and bank expansion, however, would greatly complicate the task of bank supervision, and weaken the safeguards provided through this form of public control. It is an indispensable part of such supervision to regulate the rate and form of bank entry as well as bank expansion.

There is, however, under present circumstances, a special reason for the chartering of new banking institutions. In many areas of the country, it has become increasingly evident that the expansion of banking facilities through the growth of existing institutions has been insufficient to meet public needs. The branching laws of many States have hampered internal growth through the formation of new branches. Nonbank financial institutions not subject to such limitations have in some degree filled this gap. But these needs have also given rise to initiative to charter new banks.

During the past year we experienced a strong upsurge of interest by new sources of capital and enterprise desirous of entering the field of banking. Well-capitalized, competent groups have been formed in many parts of the country to seek new bank charters. Chiefly, the new applications have come from the States which impose severe restrictions over bank expansion.

Of the 149 applications for new national bank charters received last year, 98 were from 13 of the States which prohibit branch banking; 35 of the applications were from Florida, 26 from Texas, 9 from Colorado, 5 from Illinois, and 4 from Wisconsin—all no-branch States. The present breadth of interest in the field of banking is indicated by the fact that 37 States were represented in last year's list of new national bank charter applications. These applications in 1962 were nearly triple the average annual applications for the preceding decade, and approximately double the highest year during that period. For the preceding decade, applications for new national bank charters were as low as 39 in 1952, and ranged between 71 and 75 in the years 1955, 1959, 1960, and 1961.

In many instances, the initial authorized capital of the newly-chartered banks has been substantially oversubscribed, indicating that in the judgments of those who possess free capital, banking is an industry that offers opportunities for the profitable commitment of new funds. According to this fundamental economic test, it can thus be said that the rational use of capital in our economy calls for a greater commitment of resources to the field of banking. While this test is not sufficient to determine the proper degree of entry in a regulated industry, it does represent a significant factor in determining the need for provision of additional banking facilities.

DE NOVO BRANCHES

While present branching limitations have caused the pressures for new banking facilities to find outlets in applications for new charters, it is obvious that reliance should not be placed primarily on new charters to meet these growing needs in an industry in which competent management is not abundant. Unreasonable limitations over branching imprison established banks, and deprive the public of the skills, experience, and resources of proven institutions.

Many of the critics of more liberal branching powers equate this form of bank expansion with diminished competition. Broadened branching powers will not, however, have this effect if they are properly administered. It is not the number of banks which determines the degree of competition, but the number of points at which effective rivalry actually takes place. A series of unit banks enjoying monopoly positions in their individual communities, for example, could actually produce less effective competition than would prevail if bank expansion took place through branching by a number of institutions, each bringing to the individual community the full force of its competitive efficiency.

In determining the proper role of branching as a means of providing the banking facilities essential for our economic growth, it is also important to take account of the economies of larger-scale operations. Modern technology has invaded the field of banking, as it has other sectors of the economy, and provided opportunities for more efficient operation. These technologies can be efficiently employed, however, only through larger-scale ventures. Comparable opportunities also exist for the utilization of specialized personnel in the ever-increasing range of services which banks are able to perform. The task of public control is to allow opportunities for these forces of efficiency to be expressed, within the limits which must be imposed in order to preserve a balanced banking structure.

The required balance in the structure of our banking system must include provision for a variety of financial services to meet the public need. To permit the forces of efficiency to be expressed does not mean that concentration of control should be unrestricted, nor that only the large should be allowed to survive. There is a wide spectrum of public requirements for banking services, and a diversified size structure of banks is needed to meet these requirements on an assured basis.

MERGERS AND HOLDING COMPANIES

Bank expansion may take place not only through internal growth, but also through the merger of existing institutions, and the formation of holding companies. Perhaps

the most common criticism of our banking structure by foreign observers relates to the emphasis we place on the maintenance of unit banks. Those critics argue that bank expansion through new charters and new branches is often more costly than expansion through mergers or holding companies, and results in a waste of resources. These criticisms usually come from countries in which there is no tradition to maintain competition. Nevertheless, even within our own competitive traditions, there are many circumstances in which bank expansion through mergers or holding companies will be socially preferable to new charters or the establishment of de novo branches.

THE BASIC TASK

The task we face in shaping the structure of our banking system is to provide the necessary latitude for enterprise and initiative in this industry. While banking differs from other industries with respect to the degree of reliance we place on private initiative, it is alike in the need to preserve a spirit of dynamism and enterprise. Only in this way will banks be able to perform with the highest effectiveness the urgent responsibilities which lie ahead to serve and promote the growth of our economy.

The particular techniques of bank expansion most appropriate for this purpose will vary with circumstances. Unreasonable limitations over the use of individual techniques needlessly narrow the range of choices open to the regulatory authorities and to the banking community, and thus distort and weaken the banking structure. Our attention should be centered, not on these techniques, but on the public's needs for banking services. The pressures to fill these needs will not be alleviated by limitations relating to means—they will merely be diverted into channels where less effective means are available. It is pointless to devote our energies to a struggle over techniques, when our primary task is to find the best means of meeting the needs of the future.

FEDERAL AUTHORITY AND THE DUAL BANKING SYSTEM

It is necessary, in discussing the issue of bank expansion and economic growth, to consider the impact on the traditional dual structure of our banking system. Over the past months, there have been heightened fears that enlarged branching powers for national banks would pose a threat to that system. It should be clearly understood, however, that such enlarged authority could be utilized only to allow greater scope for the exercise of private initiative. This does not constitute an intrusion of Federal power, but only a relaxation of the limitations which now prevail over the operation of privately owned banks. Steps which allow banks to adapt more sensitively to the Nation's requirements will not weaken, but will strengthen, our banking system.

Extended branching powers for national banks, some fear, would bring defections from the State to the national banking system. This could occur, however, only if banks were able to operate more efficiently and to compete more effectively under national charters. It is within the power of the State authorities to provide scope for the most efficient and effective operation of the banks which they charter. Only if all commercial banks are fully empowered to meet their responsibilities, can we realize completely the opportunities for the growth of our industry and commerce.

FRENCH PUT FREEZE ON ITALIAN REFRIGERATORS

Mr. HUMPHREY. Mr. President, I have the discouraging task of bringing to the attention of Senators yet another instance in which France, under its current leadership, appears to be cutting off its nose to spite its face. The Christian Science Monitor of January 28 published an article written by Walter Lucas, from Rome, indicating that French protectionism is directed not only at those countries outside the Six in the Common Market, but also at one of France's neighbors in the EEC, the Republic of Italy.

France, it appears, will shortly impose additional customs duties against the importation of Italian refrigerators, a high-quality reasonably priced product which in the first 10 months of 1962 accounted for one-half of all imported refrigerators sold in France.

Italian competitiveness in this line of manufacture is remarkable in view of the fact that 7 years ago, according to the article, Italy could not even compete with French and German models at home, let alone outside its borders. Now the Italian product is superior both in price and design to the German and is making heavy inroads into the domestic French market. The higher French tariffs, it should be noted, will not be imposed on German refrigerators, only on the Italian. Is this the result, some people are asking, of the recently signed Franco-German treaty of cooperation? Does it foreshadow a hands-across-the-Rhine attempt to monopolize European industry?

If this is the case—and I sincerely hope such fears are unfounded—Italy deserves better at the hands of her Common Market partners. She has rolled up an extraordinarily high rate of growth, but in the process her trade deficit amounts to about $1.5 billion, which represents a rise of nearly one-third over the 1961 figure. As a result of Common Market policies, 21 percent of Italy's imports come from EEC countries. Premier Fanfani's government is hoping to make up for this loss of foreign exchange by greatly stepped-up exports to the Common Market area. Ideally, this is the way it should work out.

This is not going to be the outcome, however, if France "governs by disdain" within the Common Market as well as outside the Common Market. Italy and the other smaller partners of the European Community have every reason to be concerned about the trend of events.

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

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

REFRIGERATORS—FRENCH TRADE WALL HITS ITALY

(By Walter Lucas)

ROME

France has been authorized by the Economic Commission of the Common Market (EEC) to put up additional customs duties against the import of Italian refrigerators.

Although this extra tariff will only partly make up the difference in price between French and Italian refrigerators, it comes as a hard knock to the Italians on two counts.

First, it seems to nullify the idea of free competition within the Common Market area.

Second, it comes at a time when Italy's increasing deficit on the balance of trade is one of the most troublesome features in this country's economic picture.

RECOURSE OPEN

Admittedly, under a safeguarding clause in the Treaty of Rome, a country which finds one of its industrial sectors threatened by competition from a fellow member of the six can apply for temporary protection. It could be said that an important French industry was having a hard time from the competition of Italian products, since for more than a year now the French refrigerator manufacturers have been appealing to their Government for protection against Italian imports.

The Italian product has had a considerable price advantage as well as a high-quality rating. In consequence it has captured a large share of the French market both against the home product and also imports from other countries.

AIM ACHIEVED

But as one Italian industrialist points out, this action of the EEC Commission in favor of France in effect punishes an Italian industry which has made considerable investments for modernization and reequipment to place itself on a competitive footing with any other producer of electrical domestic equipment in the world.

This aim has been achieved. Its success was proved during the first 10 months of 1962, when more than one-half of the imported refrigerators sold in France were made in Italy.

In fact, apart from underselling the French, the Italians also beat the Germans both in quality and price. This is a complete reversal of the position of 7 years ago. Then Italy was a heavy importer of refrigerators, and the Italian product not only could not compete with the French and Germans on the home market but had little export trade.

It may be only coincidental that it was the French who dealt a blow to the idea of European economic unity and free competition within the Community by asking for protection against Italian refrigerators. But this action, coupled with General de Gaulle's attitudes of late, give ammunition to those Italians who would point to a pattern of greater concern with French interests than with the economic structure of the Common Market and the idea of European unity.

DEFICIT PERSISTS

In this particular case, even before the matter had been adjudicated by the Commission of EEC, France had already taken unilateral action against Italian refrigerators by administrative moves. These resulted in great delays in getting import permissions.

It is interesting that though the Germans are also competing successfully on the French home market in this field, similar tariff action has not been asked for against the German product. Could this be, some people are asking here, because of the special understanding which exists between President de Gaulle and Chancellor Adenauer?

From the purely Italian viewpoint this cutting down of large sales of Italian refrigerators in France is doing nothing to ease the balance of trade deficit. Italy's deficit, based on the figures for the first 10 months of 1962, is likely to amount to something like $1,400 million during last year—an increase of 31.1 percent over that of 1961. The tendency at the moment seems to indicate a further worsening.

IMPORTS INCREASE

Obviously Italy will resist unilateral raising of a customs barrier against Italian goods.

Italy last autumn offered a reduction of 10 percent, over and above the joint Common Market tariff reduction, on wide range of manufactured products. This was par-

tially responsible for the increased deficit on the balance of trade.

Already this and the progresssive reduction of tariffs under the Treaty of Rome have brought about a 21-percent increase in imports from the EEC countries during 1962; for instance, the imports of motor vehicles increased by 7.29 percent and those of machinery by 33.4 percent. This has caused a certain amount of uneasiness among some Italian industrialists, who see their home market under increasing attack from competition from abroad and especially from the EEC countries.

MARKET STAGNANT

Many Italian firms, however, were confident that they themselves could offset this increase in imports by stepping up their exports in the Community.

Raising of an extra tariff, amounting to about $10 a unit on Italian refrigerators into France, must affect an important export outlet and have a bearing upon Italy's balance of trade with the EEC countries which last year was $242 million in the red. And with export markets stagnant it is difficult to find alternative outlets for such products.

Apart from the possibility of countermeasures by the Italians against French products, which sell well in this country, this action, as one commentator puts it: "Forms a dangerous precedent. There is the danger that national industries confronted with normal competition, based on the quality of the product, as has happened in the case of Italian refrigerators, might give up modernizing their plant and take refuge behind a tariff against imports imposed in the name of protecting a weak industrial sector from unfair competition."

WORLD CONFERENCE ON PEACE THROUGH LAW

Mr. JAVITS. Mr. President, I call the attention of the Senate to a very important announcement by the American Bar Association under date of January 11, 1963, but which has just come to hand. The announcement relates to the prospective World Conference on Peace Through Law to be held in Athens, Greece, from June 30 to July 5, 1963.

Mr. President, this activity has been conducted for a considerable time by the American Bar Association under the auspices of Charles S. Rhyne, of Washington, D.C., a former president of the American Bar Association. Mr. Rhyne is the person who has been most identified with the idea of world peace through world law.

The present president of the American Bar Association, Mr. Sylvester C. Smith, Jr., in announcing the forthcoming meeting, made the following statement, which I thoroughly endorse:

> The program of world peace through law is admittedly a long-range program, idealistic in nature; but based on the very sound principle that peace through law is the only alternative to war. The program is both practical and necessary. Building law into a credible replacement for war is a task for lawyers.

As a lawyer myself, and one of long practice at the bar, I express tremendous pride in the fact that the lawyers of this country have identified themselves with this movement.

I point out that it is not quite as idealistic as Mr. Smith says. I am sure he understands that, too, because the ultimate consummation of a world ruled by law is not the only thing we are talking about. Very important actions can be taken now by the International Court of Justice. For example, the resolution sponsored at the last session by the Senator from Minnesota [Mr. HUMPHREY] and myself—and I hope we shall introduce it again—to repeal the Connally reservation is a very practical matter designed to unshackle the hands of the United States in respect to the utilization of the World Court. The effort represented by the World Conference to be held in Athens has been preceded by the regional conferences, sponsored in 1961 and 1962, in Costa Rica, Tokyo, Lagos, Nigeria, and Rome, each of which was successful, according to the appraisal made by the bar association itself.

I hope lawyers everywhere will give their attention to this movement, and will support and back it. In this atomic, terrible age, the movement is a real answer in terms of our whole tradition and history. It is practical, in the sense that it can be a series of steps; all of it does not have to be consummated in one fell swoop.

I speak with the greatest pride of this effort by the American Bar Association, of which I have the honor to be a member, as do many other Senators, under the leadership of Mr. Charles Rhyne, along with Mr. Sylvester C. Smith, Jr., the president. This effort is of tremendous portent to all mankind.

THE CONGRESSIONAL WILL ON AIRLINE SUBSIDIES

Mr. HRUSKA. Mr. President, on August 31 of last year I addressed the Senate on our intent in approving the item of $83,078,000 for payments to air carriers in the appropriations bill for the Civil Aeronautics Board. My remarks will be found in the CONGRESSIONAL RECORD, volume 108, part 14, pages 18331–18332.

The purpose of those remarks was to make it perfectly clear on the record that the will and intention of the Congress is that the benefits of air transportation be provided across our Nation, in the full knowledge that much of the local air transportation is not now, and will not in the foreseeable future be, self-supporting.

This, of course, Mr. President, is not in accord with the President's transportation message of last year, in which he called for a step-by-step program to reduce sharply the operating subsidies.

It was my hope that my remarks of last year would not escape the attention of the members of the Civil Aeronautics Board. It is believed they did not. Yet the Board is asking, in its appropriations request this year for $3 million less in subsidies than it received in the current fiscal year. This is most disturbing.

Again I speak in the hope that the members of the Board will heed these and similar remarks, also to point to one example of how a progressively operated, well-managed airline is succeeding in achieving improved service and greater revenues under the present system.

Some basic developments in air transportation in the State of Nebraska have been so impressive and encouraging that I think the Senate will find them informative.

So often we hear that this or that airline is not providing adequate service. Questions are raised about the amounts expended on airline subsidies. I, myself, have been critical of some of the airline service in my State in the past. So it is a pleasure now to tell about what can happen when an airline and the communities it serves get together and support each other.

In late 1958, the Civil Aeronautics Board certificated an extensive new pattern of local air service in many Midwestern States. In that case, 10 new points in Nebraska were certificated for air service on the routes of Frontier Airlines, Inc. In addition, six points previously served by trunklines were also transferred to Frontier for service.

Unfortunately, the first few years of service by Frontier Airlines were disappointing. The people in these new cities, who had looked forward so eagerly to air service, felt that Frontier did not want to serve them, and that Frontier's service was so designed as to prevent the development of traffic and to result in the elimination of air service at these points under the CAB's so-called use-it-or-lose-it test.

It actually came very close to happening. After a few years, the CAB withdrew air service from our northern Nebraska route. In a separate case, the use-it-or-lose-it investigation, an examiner recommended a year ago that service at eight more points in Nebraska be deleted, for lack of traffic development. Had that decision been followed, Nebraska would have been left with air service to only five points, or less service than it had before the seven-States case ever began.

Then a very fortunate thing happened: Last spring a change in the management and control of Frontier Airlines was made. The new management, headed by President Lewis W. Dymond, a man of 25 years' experience in aviation, took one look at Nebraska and decided that something was wrong.

Mr. Dymond and other representatives of Frontier Airlines made a number of personal visits with State and civic officials in Nebraska, to find out what could be done to improve the service and to develop cooperative programs to generate traffic. New schedules were put into effect and people were encouraged to make the maximum use of air service. The CAB was requested to permit a further period of service under the new management.

I have recently seen the traffic results for the second half of 1962 on Frontier's service in Nebraska. This 6-month period represents the first sustained indication of how much good air service can do if it is rendered with a spirit of cooperation and willingness.

In the last months of 1962, Frontier Airlines originated 36,728 passengers in the State of Nebraska. For the same period in 1961, it originated 28,407. This is an increase between the two periods of over 8,000 passengers, or 29 percent.

The significance of this growth can be seen in relation to the fact that for Frontier's total system, passenger originations grew only 13 percent in the same period. It is even more significant when compared to what happened before the management of Frontier changed. In the year ending March 31, 1962, traffic at Frontier's Nebraska points decreased 3 percent; but traffic on Frontier's system as a whole increased 4 percent.

Included in the recent traffic figures are, of course, some substantial improvements at individual cities. Hastings, Kearney, Lincoln, McCook, Omaha, Alliance, and Chadron all demonstrated healthy growth, exceeding or approaching the traffic standard of five passengers a day set by the CAB.

I ask unanimous consent to have printed at this point in the RECORD a table showing the growth in passenger traffic in Nebraska and systemwide of Frontier Airlines, under the leadership of Mr. Lewis W. Dymond.

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

Frontier Airlines, Inc., growth in passenger traffic in Nebraska and Frontier system by months, July–December 1962 versus year ago

	July		August		September		October		November		December	
	1961	1962	1961	1962	1961	1962	1961	1962	1961	1962	1961	1962
Nebraska:												
Passengers originated	4,424	4,983	5,080	5,745	4,761	5,992	4,934	6,872	4,782	6,629	4,426	6,507
Percent change		+13		+13		+26		+39		+39		+47
System:												
Passengers originated	30,834	31,449	34,041	35,658	29,421	33,645	29,232	33,790	28,631	34,362	28,510	34,700
Percent change		+2		+5		+14		+16		+20		+22

Frontier Airlines, Inc., growth in passenger traffic at Nebraska cities by months, July–December 1962 versus year ago

Station	Number of passengers originated													
	July–December 1961	July–December 1962	July		August		September		October		November		December	
			1961	1962	1961	1962	1961	1962	1961	1962	1961	1962	1961	1962 [1]
Alliance	525	669	95	79	102	138	117	101	67	126	70	103	74	122
Beatrice	620	601	167	102	153	91	81	103	83	116	74	94	62	95
Chadron	692	770	136	132	150	141	111	110	96	139	122	105	77	143
Grand Island	2,445	2,939	347	470	449	536	426	477	443	546	401	439	379	471
Hastings	1,008	1,099	169	167	223	179	175	173	185	199	125	181	131	200
Imperial	93	209	7	31	18	28	18	35	5	30	22	40	23	45
Kearney	741	1,029	135	107	136	150	114	184	118	186	132	167	106	235
Lincoln	7,671	11,469	1,047	1,374	1,298	1,654	1,267	1,844	1,334	2,250	1,414	2,276	1,311	2,071
McCook	533	687	118	106	109	103	88	120	86	100	70	118	62	140
North Platte	2,581	2,860	387	432	483	503	458	489	445	476	441	475	367	485
Omaha	7,311	9,864	1,235	1,331	1,243	1,498	1,211	1,699	1,328	1,883	1,169	1,791	1,125	1,662
Scottsbluff	3,691	4,042	499	582	617	638	617	584	668	742	645	749	645	747
Sidney	496	490	82	70	99	86	78	73	76	79	97	91	64	91
Total	28,407	36,728	4,424	4,983	5,080	5,745	4,761	5,992	4,934	6,872	4,782	6,629	4,426	6,507
All "use it or lose it" investigation points	4,708	5,554												
Grand Island, North Platte, and Scottsbluff	8,717	9,841												
Lincoln and Omaha	14,982	21,333												

[1] Preliminary figure.

Mr. HRUSKA. Mr. President, I submit these figures to the Senate because they are to me a heartening indication of the important role that local air service can play in serving and developing the many smaller cities around the United States. It is obvious to me that this country cannot develop with a pattern of air transportation which just connects one giant metropolis with another. In many ways the smaller cities, such as those that Frontier serves in Nebraska, need and deserve air service more than larger ones. They are geographically isolated, and some are without any other form of public transportation. So it is encouraging to realize that the efforts of the Congress to assist with this form of air service can be well spent on a State that wants good air service and a carrier that wants to give it.

The staff of the CAB is reported to have held the view that service and public relations, in which Frontier has invested a great part of its efforts, have little effect on traffic production. I submit that these figures clearly dispel that notion.

It is well, Mr. President, to look to the future. These figures represent a trend. They mean that with good local cooperation and good service, which Frontier has been supplying, boardings will improve, and the day when subsidies will no longer be needed may well be in sight.

But they are needed today. If we are to allow airlines such as Frontier to make the progress we desire, in terms of service to our people who are located off the major lines, then the Congress must reassert its previously expressed policy of support.

That is why, Mr. President, it is disturbing to note that the most recent budget estimates for airline subsidies seem to reflect an arbitrarily restrictive approach to the needs of local air service. All of us are in favor of eliminating unnecessary or wasteful expenditures in this field. But I would be reluctant to see all of the recent progress we have made in local air service in Nebraska repealed in some arbitrary fashion. In the last analysis, the amounts provided to the airlines must be related to specific service in specific areas. The indications, to which I have previously referred, of growing demand for local air service in Nebraska indicates to me that in our State, local air service is a success and is progressing toward self-sufficiency. I trust that the Civil Aeronautics Board does not intend to resort to willy-nilly actions, rather than selective and constructive steps, to accomplish its goals. The Congress is also entitled to know whether the Board has explored all the alternatives for reducing subsidy and still meeting the lawful needs of the carriers. And this Senator, for one, will follow with keen interest the developments in the specific areas which could be threatened with the loss of local air service.

Mr. President, it is my earnest hope and my expectation that by the actions of our Appropriations Committees in each House and by the joint action of the conference committee, Congress this year will restate its existing policy and intent, as reflected in the pages of the CONGRESSIONAL RECORD of last year.

I refer specifically to the CONGRESSIONAL RECORD, volume 108, part 11, page 14966, which contains a colloquy between my able colleagues, Representative DAVE MARTIN, of Nebraska, and Chairman ALBERT THOMAS, of the House Independent Offices Appropriation Committee, as follows:

Mr. MARTIN of Nebraska. Mr. Chairman, I notice that the CAB has had a reduction in their appropriation in this bill. We in Nebraska are served by an outstanding feeder airline, the Frontier Airline of Den-

ver. We have three routes, one north and south and two east and west. We are particularly concerned in regard to the specific effect of this reduction on these feeder airlines. I want to ask the gentleman this question: Will this reduction in the CAB funds affect our feeder airline operations in Nebraska?

Mr. THOMAS. Not one bit. We do not want to cripple your airlines. You are entitled to good service. All we are attempting to do is to get you better service and at the same time get it at the lowest possible cost. As a matter of fact, whatever the costs are, that will be a debt and it is going to have to be paid. This debt will not occur for a number of months in its entirety. Experience has shown that we in effect have been a little overgenerous with the CAB.

I want to commend our distinguished colleague here. He is a most valuable Member. He has worked at the job.

For the first time, and I will ask my colleagues on both sides of the aisle if I am not correct, our subcommittee invited in the feeder airlines for a discussion of their problems. We went into it and found in a good many instances some savings could be made. This will not hurt them. Tell that to your people.

In a further colloquy between Chairman THOMAS and Chairman JOHN BELL WILLIAMS, of the Aeronautics Subcommittee, there was this exchange:

Mr. WILLIAMS. I understand the gentleman from Nebraska [Mr. MARTIN] mentioned that the CAB requested something like $84,500,000 for this purpose but that the committee felt that the sum of $71,900,000 or thereabouts would be sufficient; they made a reduction of some $12 million, roughly speaking. It is my understanding that the estimate that was made by the committee and the amount that is included in his bill for this purpose is simply an educated guess on the part of the committee; and I presume in view of the fact that this is a continuing obligation, that if the figure of $71,900,000 turns out to be insufficient, the matter will be further considered by the gentleman and his subcommittee.

Mr. THOMAS. Our distinguished colleague is eminently correct. I want to say as to the educated guess that should it turn out that the figure is not sufficient, we will straighten it out and take care of it. The committee felt, however, that the figure was approximately right. The budget estimate was for $85 million. The committee felt in the light of past experience that this figure could be cut $10 million or $11 million, for we found in a previous year we had appropriated $7 million or $8 million too much. The gentleman is correct, the committee will be ready to correct any deficiency in a supplemental appropriation.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield further?

Mr. THOMAS. I yield.

Mr. WILLIAMS. It is my understanding that the Civil Aeronautics Board is presently in the process of making a survey of this specific problem, particularly with respect to the so-called feeder or rural service airlines, and they are doing this also with the cooperation of the Association of Local Transport Airlines, which is commonly known as ALTA. The purpose of this, I think, is to find some way by which the subsidy can eventually be reduced whether it be through the development of aircraft specifically adapted to the needs of local service or otherwise. It is my understanding that the Civil Aeronautics Board is to report to the President by June 30, 1963, on a program of reducing subsidy payments.

I appreciate the response given to me by the chairman of this committee and I feel certain that the service of the local service airlines is not in jeopardy.

The Congress, Mr. President, should be at least as explicit this year in setting forth its policy and its intent as the foregoing colloquy recites.

DE GAULLE UPHELD ON NUCLEAR STAND

Mr. GOLDWATER. Mr. President, lately we have been reading in the press and hearing on the television and radio a great deal in the way of criticism of General de Gaulle and his position in connection with seeking to build a nuclear force not only for the protection of France, but also for the protection of the Continent, should the United States ever pull out her nuclear weapons or her own forces.

Mr. President, I have not been able to agree with this criticism. We in America recognize the historic friendship between France and our country—the willingness of Frenchmen to come to our defense, and the willingness of Americans to go to the defense of France and Frenchmen. I hope the American press and those in the administration who have been critical of General de Gaulle will look back on some of our own actions in recent weeks and months, at some quickly made decisions which I believe we are beginning to see were wrong, some decisions which are beginning to tamper with our friend to the north, Canada, as well as to create doubts in the minds of people in the world as to just how far our country will go when the chips are down and when we are called upon to defend our friends as we have promised to do.

Mr. President, Clare Boothe Luce is a constituent of mine; she lives in Phoenix, Ariz. She is constantly interested in world affairs, and she speaks and writes brilliantly on subjects of interest to the world and to the United States.

Last Saturday there appeared in the Washington Star, under the headline "Point of View—De Gaulle Upheld on Nuclear Stand," an article written by Clare Boothe Luce. I ask unanimous consent that it be printed at this point in the RECORD, in connection with my remarks, so that my colleagues and those who read the RECORD may have a better understanding of why I, as one American, defend De Gaulle in his position on nuclear power.

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

[From the Washington Star, Feb. 2, 1963]

POINT OF VIEW—DE GAULLE UPHELD ON NUCLEAR STAND

(By Clare Boothe Luce)

PHOENIX, ARIZ., February 2.—The President was asked in his last press conference what he thought of the theory put forward in Europe that the outcome of the Cuban crisis was linked in General de Gaulle's mind with his determination to have his own nuclear deterrent force, because Cuba showed that the United States would not defend Europe.

The President replied that this charge had indeed been directly made, and he indicated that some Europeans had deduced from the fact that the naval blockade had ended with Moscow in unchallenged control of Cuba that, "since the Soviet developed their own nuclear capacity there is a balance between (the U.S.A. and the U.S.S.R.) and neither would use it, and therefore Europe cannot rely on the United States." This he called peculiar logic.

But after Cuba not only "some, in some parts of Europe," but also many in many parts of America, and in Latin America, no longer believe in the U.S. commitment to defend other countries from communism, if to do so should mean to initiate a nuclear war with Soviet Russia.

And, the President's remarks notwithstanding, there is much recent evidence that Mr. Khrushchev himself is now thoroughly convinced that once the 400,000 American troops in Germany are withdrawn, America's nuclear commitment will then extend no farther than its own coastline.

KHRUSHCHEV ASSUMES ROLE

If memory serves, after the disastrous Bay of Pigs invasion, Mr. Kennedy repeatedly warned Mr. Khrushchev that communism in this hemisphere was not negotiable. Mr. Khrushchev, strongly suspecting this warning was merely for U.S. domestic political consumption, boldly seized the opportunity to put it to the acid test: Fully aware that he would be detected in the end, he sneaked nuclear weapons into Cuba and zeroed them in on the White House.

When the President found this out—quite a long while after Cuban intelligence sources had told him it was happening—his reaction was immediate. He called out the Navy, which called Mr. Khrushchev's brilliantly and carefully calculated bluff.

This was probably precisely what Mr. Khrushchev intended. Mr. Khrushchev had long been in the position of having to lose his face in order to save it. He wanted to lose his ugly nuclear "mug"—the face of the "nuclear aggressor." He was anxious to show the world that he was not the man to start a nuclear war against anybody over a third country, and he certainly wanted to have it made plain that Mr. Kennedy wasn't the man either. A solid basis for negotiations of all kinds (and popular fronts of all kinds) could be built on the foundations of a U.S.A.-U.S.S.R. nuclear peace pact.

One can only imagine Mr. Khrushchev's satisfaction when his theory vis-a-vis the U.S.A. military position was proven correct. But he could hardly have been prepared for the next surprise. No sooner had he agreed to remove all the nuclear hardware U.S. air surveillance had spotted, then Mr. Kennedy at once referred to him as a "great statesman" and, to show that there needn't be any hard feelings over the little episode, gave him Cuba.

KHRUSHCHEV REPEATS THREAT

Mr. Khrushchev did not naturally bother to return the President's compliment. He realized, of course, that it had been made to gentle him. (Mr. Khrushchev is as easy to gentle as a king cobra.) A few weeks later at the East Berlin World Communist Congress Mr. Khrushchev was bragging to the world that his missile play in Cuba had achieved its real objective—to scare Mr. Kennedy into giving up Cuba. After accepting the thunderous applause of the 2,500 Communist Party delegates present from 70 nations, Mr. Khrushchev vowed all over again to "bury us," this time with his 100-megaton bombs, but only if we were ever so rash as to initiate a nuclear attack on him.

Ever since Cuba, Mr. Khrushchev has worked hard on his new image. Each passing day he sounds more and more like John Foster Dulles: He will never launch missiles at the U.S.A. (or Europe), but he will—if attacked—produce "massive retaliation."

The fact is that Mr. Khrushchev had long ago opted for nuclear peace with the U.S.A. Since Cuba, he knows that the United States has also opted for nuclear peace with Soviet Russia. There is today an undeclared nuclear peace pact between the U.S.S.R. and

the United States for the simple reason that the initiation of nuclear war is not to the best interests of either.

The U.S. press, following the President's lead, is currently taking a benign view of Mr. Khrushchev's new nuclear posture. (Besides, it feels so good since he stopped poking his Cuban missiles into our solar plexis.) The vials of their wrath have been saved up for Gen. Charles de Gaulle, who has had the gall to say, since Cuba, that he thinks France would now certainly be more safe under its own nuclear umbrella than under America's.

DE GAULLE BACKED UNITED STATES

Because of this, General de Gaulle's "image" is being rapidly worked over, with the enthusiastic help of the American left, to resemble a half-mad Napoleon, or an "Abominable No-man." It is even being suggested that General de Gaulle wishes France to become a nuclear power in order to make a deal over Germany with Russia. This is to suggest that France desires to have Russia on her own borders, instead of Germany's, which is, of course, preposterous. If either France or Germany falls to the Reds, all Europe falls with them, and every European knows it.

It is interesting to inquire what General de Gaulle was doing the first tense hours of the United States naval blockade, while Soviet missiles were being leveled by Russian troops on American cities. Was he threatening to pull out of the "grand alliance" if the United States invaded Cuba? Was he begging us to throw the whole business into the U.N.? Was he reminding us that the French feel that the United States let France down in Indochina, Algeria, and Suez, so France couldn't be expected to sympathize with our troubles about Cuba? Was he advising President Kennedy to make a deal with Khrushchev about Cuba fast, because if the United States invaded Cuba Khrushchev might retaliate by striking at West Berlin and thus trigger world war III?

He was not. The general was offering to fight by the side of the United States if we felt our vital interests required us to kick Castro and Khrushchev both out of Cuba. And by this very fact he was pledging France to take all the nuclear risks we felt we might be incurring.

The President, in his recent press conference, acknowledged that General de Gaulle "responded when we were in difficulty in Cuba." "But," he added, with some extraordinarily peculiar logic of his own, "I would hope that our confidence in him would be matched by his confidence in us."

FRANCE GAINS STRENGTH

This whole sentence must have been a typographical error.

The President had just admitted a period back, that when we were in difficulties President de Gaulle had shown the ultimate in confidence by his willingness to risk nuclear war (if risk there was) by the side of America.

What the President really meant to say, of course, was that whereas President de Gaulle had shown confidence in us at the time of the naval blockade, the final United States political capitulation to Khrushchev and Castro had diminished that confidence, and that the President hoped that somehow it could be restored.

The hope is an idle one. The fault is by no means entirely the President's. France has grown economically strong enough to stand on her own legs. It would follow naturally, in any case, that she should desire sooner or later to stand on her own legs militarily. The significance of the two Kennedy backdowns over Cuba is that what was a desire now seems—or at least to General de Gaulle—to be an urgent necessity for France's own survival.

The character of the United States nuclear commitment made in 1946 changed in the fifties when Russia became itself a nuclear power. Today, as in 1946, that commitment is to launch a nuclear attack on Soviet Russia if she moves against Germany. But in 1963 the same commitment means a willingness to destroy the United States for the sake of Europe. When the matter is put in this blunt fashion, how many Americans are for it?

Khrushchev took the full measure of President Kennedy and U.S. public opinion in the Cuban crisis. So did Charles de Gaulle. His conclusion: If the war chips should ever go down in Europe, the United States will not initiate nuclear war on Russia until Russia wages nuclear war on America—and vice versa. The effect of this undeclared nuclear pact is to subtract both United States and U.S.S.R. nuclear forces from the European military equation.

BORROWS KENNEDY BOOK

Europe is today, without its own nuclear force, a "limited war" area. Consequently the outcome of any European conflict would then be decided by Russia's 125 divisions and NATO's 23—or a negotiation. Militarily, Europe is Germany and France. Their choice today is as plain as the nose on General de Gaulle's face. It is to get their own nuclear umbrella, or to trust the United States, if they are attacked by Russian conventional weapons, to launch her missiles at Russia, knowing that she would get Russia's 100-megaton bombs right back.

General de Gaulle has made the only choice a patriotic Frenchman could possibly make. Like the rational Frenchman he is, he chooses to build up his own nuclear establishment. He knows that the day U.S. troops are pulled out of Germany, France will be unable to defend itself without its own nuclear force.

In his youth, President Kennedy wrote a book called "While England Slept." It described how England, in 1939, was caught military napping by the Germans, and its very sound thesis was that no nation can afford to wait until it is attacked to prepare its own defenses, and that, above all, it cannot rely on the military or economic strength—even of its allies—to save it from destruction.

Charles de Gaulle has paid the author of "While England Slept" the compliment of taking his advice. He does not intend to be caught napping, if at some future date the United States, in order to prevent a world holocaust (and its own destruction), yanks its nuclear umbrella away from Europe.

It is hard to see what is Napoleonic about a Frenchman's desire to protect France, or why the desire to remove France from the category of a limited war area should be considered a folie de grandeur. What is much more a folie de grandeur is the desire of the United States to keep Europe a U.S. nuclear colonial area and to keep Great Britain, France, and Germany forever in the U.S. nuclear nursery.

INTERNATIONAL RESCUE COMMITTEE

Mr. PELL. Mr. President, it is a great honor and privilege for me today to bring to the attention of my colleagues in the Senate an outstanding editorial which recently appeared in the Providence Bulletin, marking the birthday of the International Rescue Committee.

As a former vice president of the rescue committee, I take special pride in this most generous praise of the committee's work by a distinguished newspaper from my own State of Rhode Island.

I strongly second the Bulletin's statement that the "International Rescue Committee has fulfilled a very special mission" in this era of the cold war. I hope that many of my colleagues will have the opportunity to read this very fine editorial.

I ask unanimous consent to have the editorial printed in the RECORD.

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

THE RESCUE COMMITTEE BIRTHDAY

A reason why Communists—in Moscow, Peiping, and Havana—save their most poisonous barbs for the United States is this country's unprecedented demonstration of concern for the world's downtrodden, from impoverished peoples in backward lands to rootless refugees.

The generosity flowing from such enlightened self-interest confounds the image that Communists paint of capitalist societies and nations. Since the United States is the acknowledged leader of the capitalist, or non-Communist world, this country's refusal to follow the Marxist script is doubly disconcerting to the Kremlin.

An important contributor, in turn, to this facet of America's strength is the International Rescue Committee, which today celebrates its 30th anniversary as a leading agency in the salvage of humanity forced adrift by unconscionable totalitarianisms.

Both the anniversary and the impulse that gave substance to the International Rescue Committee as a pioneer in organizing refugee rehabilitation deserve to be noted with honor and gratitude.

The parent organization of the International Rescue Committee was organized in January of 1933 to help those perceptive, courageous and innocent victims of Hitler's political and racial aberrations. Throughout World War II, the committee smuggled from Germany, France, and all the nations subjected to the Nazi madness thousands of people, a literal cross section of the democratic leadership that later became the "seed corn" of today's Europe.

Among them, for instance, was the late Ernst Reuter, who returned to Germany to become mayor of West Berlin and to lead the Berliners in their resistance to communism; the artist, Marc Chagall; Author Franz Werfel, and Wanda Landowska, composer and pianist who has kept alive the art of the harpsichord.

Instead of permitting the committee to phase out its work, the end of World War II only multiplied demands on the private organization, as victims of communism flooded into free Europe even before the camps of people displaced by World War II had been emptied.

So it has gone, with one human emergency after another making claim on the free world's conscience and extending the committee to new efforts. Hungary, Vietnam, Hong Kong and now Cuba are names that memorialize the lifesaving work performed and still being carried out by the American Rescue Committee.

There are other agencies assisting in this great work of human salvage, including the U.N. High Commission for Refugees and organizations representing various religious denominations and groupings.

But the International Rescue Committee has fulfilled a very special mission as a versatile agency equipped by experience and organization to respond swiftly to emergency situations and to rescue for tomorrow's world the refugees who have no other claim to assistance than their humanity, their opposition to totalitarianism, their love of freedom.

WYOMING WOULD WELCOME NEW ELECTRICAL GENERATING PLANT

Mr. McGEE. Mr. President, for quite some time I have watched with great interest the developments—or in this case, the lack of developments—taking place in our neighboring State of Colorado pertaining to the contemplated construction of a large steam-electric generating facility by the Rural Electric Association to be located at Hayden.

In general, the plant, as I understand it, calls for the initial construction of a 150,000-kilowatt facility which would require 200,000 tons of coal per year. The addition of other units would then be undertaken and the total estimated cost would be about $25.3 million.

It would, of course, have the effect of providing new sources of electrical power while at the same time utilizing vast western coal deposits and would result in greatly increased employment among our available coal miners.

I am sure, Mr. President, that there are many in Colorado who are anxious to see this project begin. But, unfortunately, due to some wrangling over such things as location, cost factors, and coal supplies, and due to the fact that the Colorado Public Utilities Commission appears to be hopelessly deadlocked over the advisability of granting a certificate to enable the construction to proceed, it appears that what promises to be an imaginative and worthwhile project may wither on the vine.

Therefore, Mr. President, I would like to say to the National Rural Electric Association and others who wish to see such a project realized—welcome to Wyoming.

Mr. President, my own State of Wyoming has some of the largest coal reserves in the United States and, indeed, the free world. In 1960, Wyoming ranked fourth in the Union in tonnage of original coal reserves—121 billion short tons. The area underlain by known or probable coal-bearing land in Wyoming is 40,055 square miles, or 41 percent of the entire State. And this does not include some 53 percent of the total coal-bearing area in the reserve estimate because little information is available at this time. As this area is mapped and prospected, however, our total reserves will increase accordingly. We in Wyoming also have, Mr. President, a ready and skilled labor mining force—a reservoir of able men who would welcome the opportunity to work their trade once again.

As a State that is constantly striving to find and encourage new industry, we would relish the opportunity to expand our economic base, furnish power for that expansion and create new and greater employment for our work force.

We have had success in recent years along these lines—particularly in southwestern Wyoming where our vast coal reserves are located. In July 1962, the Stauffer Chemical Corp. dedicated its $10 million trona mine and soda ash refining plant near Green River, Wyo. During the same year, a $4 million expansion program was completed at Food Machinery Corp.'s Green River plant. And 2 years ago, construction was begun on a $60 million iron ore mine and beneficating plant at Atlantic City, Wyo., by the Columbia-Geneva steel division of United States Steel. These are but a few examples of the many major industries which are located or planning on locating in our State and testify, I think, to the attractions we have to offer.

The prospect of a $25 million electrical generating plant, therefore, would be most welcome in Wyoming. We would be delighted at the possibility of our miners participating in what is estimated as an eventual annual payroll of $450,000.

I have today directed a letter to Mr. Norman M. Clapp, Administrator of the Rural Electrification Administration, asking him to consider the location of this proposed facility in southwestern Wyoming in view of our unique facilities and in view of the apparent stalemate in Colorado. A copy of my remarks today is included in the letter to Mr. Clapp and I am confident it will indicate that we welcome such prospects and stand ready to pursue them.

A DEFENSE OF DE GAULLE'S POSITION

Mr. BEALL. Mr. President, I have just received a most interesting letter from an old friend on a subject which is currently in the minds of thinking people the world over, the threatened unity of Europe and the part being played therein by General de Gaulle, of France. My letter is from Mrs. Clare Boothe Luce, former Member of Congress, former U.S. Ambassador to Italy, and famous writer. I have high regard for the ability and keen insight of this capable lady, especially on matters touching upon international matters. During the years we served together in the House, I came to appreciate the clear thinking and analytical reasoning of Mrs. Luce.

Mrs. Luce was never one to "jump on the bandwagon" and conform to the thinking of others simply to be agreeable. As a matter of fact, her voice was often "the voice in the wilderness" giving warning against the popular thinking, and often she was proved to be right.

The letter which she has written me is no exception. Here, she takes a quite different course than is now being taken in America regarding General de Gaulle. Her letter is indeed thought provoking, and is, in my opinion, worthy of the careful attention of the Members of this body. I would like to give you the benefit of the full letter.

Mr. President, I ask unanimous consent to have printed in the RECORD, as part of my remarks, the full text of Mrs. Clare Boothe Luce's letter.

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

JANUARY 31, 1963.

DEAR SENATOR: May I lay before you, as a former colleague and member of the House Military Affairs, my views on a problem which has now become urgent as a result of the outcome of the Cuban crisis; namely, the question of President de Gaulle's intention to build his own nuclear deterrent force.

The question is not whether this challenges America's 17-year-old military leadership of the grand alliance, which it certainly does. The question is not whether this casts doubts on the validity of the NATO concept, which it also does. Nor is the question whether the President of a sovereign nation has the right to form the policies of his own Government, but which he certainly has. (There is certainly no question that the French people support the policies of General de Gaulle.)

The question is this: Is General de Gaulle, from France's point of view, right to attempt to make his nation a nuclear power? Is this to France's self-interest?

I am convinced that not only is it to France's self-interest but also to Europe's; and if he fails—which he may do without our support—communism in the next decade will triumph in Europe. My reasons are as follows:

1. The U.S. 1946 commitment made to Europe was made when we had a monopoly of atomic power. Had Russian divisions moved in Europe at any time before 1952 the United States of America would certainly have honored that commitment by initiating atomic war against Russia. This we could have done at relatively little loss of American lives, and with the certainty that we could have destroyed Russia.

2. When the Soviet Union itself became a nuclear power, the U.S. commitment was radically altered in character. It was still a commitment to initiate nuclear war against Soviet Russia if she moved against Europe. But the price had become enormously high: it was no less than the destruction of the United States itself.

Today the President is still asking Europe to believe that we will honor this commitment to initiate nuclear war if Russia moves on Europe, although it has become, as any sensible person can see, not to our self-interest to honor it. It is hard to imagine that any interest we have in Europe would be worth killing 40 or 50 million Americans for.

However, there were two things that seemed to give validity to this commitment after 1952: (1) the commonly held view in American minds, and in unsophisticated European minds, that Khrushchev would certainly combine any move on Europe with a nuclear attack on the United States. The J. Foster Dulles' policy of massive retaliation continually posited that although we would not ourselves initiate nuclear war, Khrushchev would certainly do so.

The other thing that has given validity to this commitment is the presence of American troops in Germany. As Russia cannot move without making military contact with these troops, it has always been assumed that they, if not Europe, would be supported by U.S. nuclear power, and that the United States would initiate nuclear war against the U.S.S.R. in defense of its own troops. In other words, the assumption has been either that the U.S.S.R. would not fight a limited war in Europe, or that, even if it were willing to do so, the United States would not be willing to limit the conflict to Europe, if U.S. troops were attacked. The outcome of the Cuban crisis raises a very serious doubt on both scores.

The mystery of Khrushchev's missile ploy in Cuba is rather easily explained if we will see it as a boldly designed scheme of the Kremlin to prove to America, Europe, and the whole world that the U.S.S.R., exactly like the United States of America, is and intends to stay, on the nuclear defensive. Today, Khrushchev, who talks of massive retaliation and practices brinksmanship, sounds and behaves more like J. Foster Dulles than Mr. Foster Dulles himself.

It is commonly said that Mr. Khrushchev lost face in Cuba. It may be that Khrushchev wanted to lose face on the theory that he who loses his face will save it. For

some time now it has been urgently necessary for Mr. Khrushchev to lose the face of the nuclear aggressor which Mr. Dulles' policy has plastered on him, and to gain a new face from Mr. Kennedy as a nonaggressive nuclear power. This he succeeded in doing admirably in Cuba.

The meat of the Cuban matter is this: The White House action and the Kremlin action during the Cuban crisis put the whole world on notice that the United States and the U.S.S.R. have henceforth declared a nuclear peace pact.

Even though the United States of America was directly threatened with Russian Cuban-based missiles zeroed in on Washington—the most severe imaginable provocation—the United States of America did not initiate nuclear war against Russia or even threaten to initiate it. Rather, the President asked the U.S.S.R. for nuclear peace. There can be no question that to do so was to the best interests of the American people. But Khrushchev's so-called nuclear backdown and his swift withdrawal of his missiles also showed that the U.S.S.R. wanted nuclear peace as much as we do.

Since Cuba he has not ceased trying to make plain to both the West and the Communist world that this U.S.S.R.-United States of America nuclear peace pact is to the best interests of Soviet Russia, and of course of communism.

The Khrushchev-Kennedy action made quite clear to the whole world what billions of words were not able to make plain after Russia became a nuclear power. Neither the U.S.S.R. or the United States of America will initiate a nuclear war over any third country, and for identical reasons.

President Kennedy, in a recent press conference, called it peculiar logic for Europeans to infer from the outcome of the Cuban crisis that the 1946 nuclear commitment to Europe is no longer any good. What is peculiar logic is to try to convince anybody with a brain in his head, after Cuba, that the U.S. commitment is any good if the commitment means starting a nuclear slugging match with the U.S.S.R. in order to stop communism, Soviet takeovers, or Soviet limited war moves anywhere. In nuclear terms, the cold war has become officially glacial.

General Charles de Gaulle has long understood nuclear realities and that the United States of America and the U.S.S.R. would be driven by them to a mutual peace pact.

He also understood, last October, that only one thing could convince Europe that the United States of America would risk even a limited encounter with Russian troops, and that was for America—after Khrushchev had taken away his missiles—to have invaded Cuba and cleaned out Khrushchev's 16,000 troops.

This is why, no doubt, De Gaulle promptly offered us his moral and military assistance in the tense hours of the naval blockade. While he certainly knew that the U.S.S.R. would back down from nuclear war, and so would America, there was still a chance that the United States would show it was not afraid to make a limited war contact with 16,000 Cuban based Russian troops in order to stop communism in its own hemisphere.

But when the United States of America went to the negotiating table with Khrushchev, and there accepted Castro's Cuba and the presence of Russian troops in Cuba, De Gaulle saw that even this hope had vanished, and that if France were from here out to find safety she must begin to rely on herself, and not on America.

Europeans see, because of Cuba, that Europe has now been unofficially declared a limited war area by both Russia and the United States. Neither of them will initiate a nuclear war in Europe, and if a conflict should come, both will seek to localize it—and negotiate it.

Today, NATO can muster 23 divisions against 125 Russia has kept activated for over 17 years on her European borders, patiently waiting the time when the United States of America would withdraw its own troops, and she could move them, certain that America would not then launch a nuclear strike for fear of Russia's massive retaliation. The reason why the NATO countries have so stubbornly refused to raise their own divisions is that they knew that America would then withdraw her troops, and with them, the nuclear umbrella which she is otherwise forced to hold over American troops in Europe, rather than over Europeans.

Charles de Gaulle says that either U.S. troops must be quartered for two more decades in Europe, or Europe will be engaged in a limited and losing war with Soviet Russia. The only way he can now be sure that France's destiny will stay in France's hands, and not in either America's or Russia's, is to make it too costly for Russia to strike Europe if or when U.S. troops leave. This point of view of General de Gaulle has been called a folie de grandeur and a Napoleonic urge. These are strange words indeed for Americans to use for military commonsense and patriotism.

It is high time Americans began to examine their own consciences on the score of our two greatest European allies, Germany and France. Germany and France are Europe. If we will not trust them, who shall we trust? Is Mao Tse-tung or Khrushchev a more reliable ally than De Gaulle, or if the truth be told, is it the fact that we only trust ourselves? If this is the case, then let's stop sounding so insulted when De Gaulle reminds us that this is what he thinks also.

Let us also examine our conscience on the score of how we desire to conduct our own self-defense. How willing would the White House and the Pentagon be, to put the power to decide our fate in the hands of Great Britain, France, or Germany, if we had any other choice? How happy would we be to leave the defense of the United States to a defense committee of European nations? We would violently reject either concept. Nevertheless, we are asking France to leave her destiny to a European military committee, largely controlled by the United States.

What is Napoleonic and what is a folie de grandeur is precisely this U.S. attempt to force a military committee system, controlled in the final analysis by the Pentagon, on the sovereign nations of Europe. The United States has had its glory and goodness and generosity in running for 17 years the economic destiny of Europe. Europe now stands on its own feet, and desires—there is no question of this—to cooperate with the United States of America for the general good of the West. But France has no more the desire to have her economic policies run from Washington, than Washington wishes its economic policy run from Paris. And De Gaulle is just as good a judge of what is good for Europe as Mr. Kennedy is—it is even possible he is a better judge, being a European. France also believes that Europe must see to its own defenses sooner or later. The Pentagon generals have played out their roles as American pro consuls all over the globe, and if some of them have swashbuckled, as pro consuls often do, on the whole they have played their part well and generously. However superior the administration may feel its own grand design for Europe may be, the plain fact is that Europe is not an American colonial area. Thanks to American dollars, and the military protection the United States gave Europe after World War II, Europe is now economically strong. This was a thing we wanted very much, because a strong Europe was to our own interests. But what use is economic strength to a country and nation and area, without military strength? And unless we have all taken leave of our senses, we must now face the fact that in the nuclear age nuclear strength alone is real military strength.

We must now help Germany and France to achieve their complete independence of us. This means that we must put them in condition to defend themselves, if need be alone. Nothing else is independence.

Do we want Europe to be militarily strong, or do we want it to be militarily weak? If the answer is that we want it to be weak, we need only proceed as we are doing, which is to try to wrest France's independence from France, and keep Germany our military vassal. Khrushchev will be delighted to see the Yankee nuclear imperialists (as he will later call us) knock Charles de Gaulle out of the box, and to create trouble in Europe by forcing Adenauer to choose between us. He is already so worried about De Gaulle that he has shown a sudden willingness to discuss test bans and inspection procedures, provided France gives up all testing.

Khrushchev will be enchanted to have the United States insist that Europe remain a theater of limited war and limited bloodshed. From such a theater he knows we can, and will, withdraw the minute a nuclear war becomes the only way of winning a European war. Also, if Europe can be kept militarily a U.S. colony there is always the possibility we may become involved in war elsewhere, probably in China, pulling Khrushchev's Asiatic chestnuts out of the fire. And that would be a fine time for Russia to liberate Europe from America. If that time should come, it will not be too difficult, because the failure of Charles de Gaulle to defend France will bring the left and the Communists into power in France.

All honesty consists in admitting to ourselves that our commitment to initiate nuclear war for Europe's sake, or for any other nation's sake, is today if not worthless, considered to be almost worthless by Europe the day U.S. troops leave Europe. Unless, consequently, we intend to leave our troops there forever, we must make Europe a nuclear power. All wisdom consists in helping Charles de Gaulle to erect a nuclear umbrella over France. And such are the geopolitical and geographical realities of the next few decades, he will also be obliged to hold it firmly over the rest of Europe.

U.S. policymakers wish to see a united Europe, but refuse to accept the conditions of its unity. It is only, paradoxically enough, under France and Germany's nuclear umbrella that the European nations can now hope to become really united.

Sincerely,

CLARE BOOTHE LUCE.

COLORADO RIVER DISPUTE

Mr. ENGLE. Mr. President, the dispute between the United States and Mexico over salt in the Colorado River is a major source of friction between this country and our closest neighbor to the south.

In a four-part series for the San Diego, Calif., Union, reporter Brian Duff wrote that Mexico considers this dispute to be the most serious quarrel between the two countries in 20 years.

As Mr. Duff points out in his articles:

The deadline for action is not tomorrow. But it cannot be postponed much longer.

Because of the seriousness of the conflict, it is vitally important that we in this country be well informed about it—the history of the dispute, the terms of the treaty from which it stems, the present official positions of the United States and Mexico.

This series of articles by Mr. Duff is one of the better reports on the dispute

and he is to be commended for it. It is recommended reading for all who are concerned with the great water problems facing the Nation.

Mr. President, I ask unanimous consent that the first article of this series be printed in today's RECORD.

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

ARTICLE FROM COPLEY NEWS SERVICE, WASHINGTON BUREAU

(By Brian Duff)

WASHINGTON.—Mexico considers its dispute with the United States over salt in the Colorado River to be the most serious quarrel between the two countries in 20 years.

There is a growing conviction on this side of the border that the Mexicans may be right. Unless the problem is solved soon some U.S. officials foresee bitterness between two good neighbors; economic distress for thousands in Mexico; a new tug of war over shares in the Southwest's major water resource and even a helping hand to communism in Baja California.

This is the background:

Under terms of a treaty signed in 1944, the United States guarantees that it will deliver 1.5 million acre-feet of water to Mexico every year from the Colorado River. The arrangement worked to everyone's satisfaction until last fall when the farmers in Baja California's Mexicali Valley claimed that the water reaching them in the river contained too much dissolved salt to be used on their crops. In a river like the Colorado, in which the water is used and reused for irrigation, increasing salinity is always a problem. In the case of the Colorado, however, the problem is compounded because Mexico puts most of the blame on one Arizona irrigation project which it says is pouring salt into the river at a rate which is far above normal.

In any event, the situation had become serious enough by March 16 for the Presidents of the United States and Mexico to appoint a special team of United States and Mexican scientists and engineers to study the problem and make recommendations. The experts were given 45 days to come up with some answers. That was 6 months ago. There have been interim progress reports but hope is dying that the international team will be able to agree on a common solution.

The deadline for action is not tomorrow, say U.S. officials. But it cannot be postponed much longer. So far the negotiations between the United States and the Government of Mexico have been conducted politely with the presumption that each party is trying to deal fairly with the other. State Department officers say that Mexico has acted vigorously to control its own hotheads who might try to use the situation to inflame local feeling or for political advantage.

But in the face of prolonged inaction good will is bound to suffer. Three hundred thousand people live in the Mexicali Valley. The area produces cotton and other farm products worth about $80 million a year. It is one of the most important segments of income for all of Mexico. If the Mexicali Valley turns into a desert there is almost nowhere on the harsh Baja California Peninsula for the valley farmers to go. Americans close to the scene say that hungry and angry thousands could try to go north. The United States is only a footstep away.

The Mexicali Valley is a stronghold of the Communist-front national liberation movement. Former Baja California Gov. Braulio Maldonado is one of its leaders. Alfonso Garzon, a National Liberation candidate for mayor of Mexicali, the state capital, has built up a following using issues like the water salinity problem.

There are other considerations which might prove equally serious for the Southwest. For example, State Department officials concede that Mexico can take its complaint against the United States into our Federal courts or to the International Court of Justice at the Hague. If this happens the water-starved States of the Southwest might find they no longer had the option of saying what they might do to solve the problem but instead were being told what they must do. It is conceivable that the court could rule that the salty water going to Mexico must be diluted to bring it up to acceptable levels. Water for the dilution would have to come from the U.S. share of the river.

It is conceivable, say some lawyers, that new regulations for the management of the Colorado might be imposed. Certainly the United States would lose any advantage in international relations it could gain by acting without coercion. The waters of the Colorado, already the subject of one long and bitter lawsuit in the Federal courts, would be wrangled over in still another jurisdiction. The lawsuit would be expensive and the outcome by no means assured. Four of the 15 judges of the International Court are from Latin American countries. The Soviet Union, Poland, and the United Arab Republic also are represented.

But the official position of the United States—the State Department and the Department of Interior—is that while the United States is committed by treaty to deliver 1½ million acre-feet of water to Mexico from the Colorado every year there is absolutely no guarantee of quality in the treaty. (An acre-foot is an acre of water 1 foot deep or 325,850 gallons.)

Many Government officials, Members of Congress and spokesmen for big water users groups insist therefore that the United States has nothing to fear from a court test. However, they usually add that while this country should protect its full treaty rights, it should do its best to help meet a serious problem for a good neighbor.

As might be expected, Mexico does not agree with our reading of the treaty. There is evidence that Mexico might never have ratified it if her senators did not believe water quality was assured.

The question this series of articles seeks to illuminate is this: Can the United States, and particularly the vitally affected Lower Colorado Basin States like California and Arizona, afford to risk a showdown?

LAND, WATER, MONEY, AND COUNTIES

Mr. FONG. Mr. President, supervisor Elroy T. L. Osorio, of the county of Hawaii, recently delivered an excellent address on "Land, Water, Money, and Counties" before the National Association of Counties' Grazing, Water, and Revenue Conference in Las Vegas, Nev.

As Mr. Osorio noted:

There is no use in facing the 21st century and its demands for land and water if we keep the 19th century's ideas of county government and revenues. To do so would merely mean the death of county government as a major force in our society.

In a realistic, yet optimistic, analysis of county problems in the fields of land, water, and finance, Mr. Osorio declared the key to resolving the dilemma lies in modernizing our concept of land and water use and striving to achieve the best uses under this concept and in modernizing our governmental structure so that counties can thrive under this concept.

Because I believe county residents as well as county officials throughout America would be interested in this exceptionally lucid and well-written address, I ask unanimous consent that the entire text be printed in the RECORD.

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

LAND, WATER, MONEY, AND COUNTIES

(Address by Elroy T. L. Osorio, supervisor, county of Hawaii, Hilo, Hawaii, December 12, 1962, Naco's grazing, water, and revenue conference, Las Vegas, Nev.)

Hawaii, the youngest State in the Union, is unique. We are completely noncontiguous, not only from the mainland United States, but also within Hawaii itself. We are an island State situated in the middle of the Pacific, 2,400 miles from the west coast. We are also a series of islands connected by air and a barge system for transportation. Even the areas within two of our four counties are noncontiguous. The county of Maui, for example, is made up of three major islands, each of which has its own separate economy and connected only politically with the other two islands.

I am from the county of Hawaii, or as it is commonly called the big island. It is called the big island because it has the largest land area. The big island has 62.6 percent of the total land area of the State. The most populated island is, of course, the island of Oahu where the city of Honolulu is located. Land on the island of Oahu or the city and county of Honolulu is at a premium. It has 80 percent of the population and only 9.4 percent of the land area in the State.

Land is a problem on the island of Oahu, unlike the big island. Land prices on Oahu may be termed "sky-high" when compared to most mainland areas. A cost of $3.50 per square foot for residential land is common.

Agriculture is being squeezed out on Oahu by residential subdivisions, industrial parks, and commercial development. The high cost of land on Oahu and a pattern of large landholdings have led to the common practice of leasing land for residential, industrial, and commercial use. Newcomers to Honolulu, who are not accustomed to leasing land for residential use and object to it, soon accept it as a part of life on Oahu. As a result of this steady and increasing encroachment of residential and commercial expansion into vital agricultural lands, the last State Legislature enacted a statewide land use law now known as the green belt law to protect further encroachment of this nature.

While the act has some definite protective advantages to prime agricultural lands on Oahu, it has many pitfalls when applying its intent to our island and county.

One of the keys in supporting a large population on the island of Oahu or the city and county of Honolulu is water. This island of Oahu has a land area of only 604 square miles, much of which is mountainous. It has a natural and unique system for storing water, and can support considerably more population than its present civilian population of some 507,000 and a military population of about another 60,000. A considerable portion of rainfall infiltrates through surface soil and downward through the lava rock to the basal water table at about 10 to 20 feet above sea level. The water table there is the surface of a great lens-shaped body of fresh water within the voids in the lava and which literally floats upon the heavier sea water. Thus is formed a huge underground reservoir.

All of our other islands and their respective parts are not as equally endowed. In my own county of Hawaii, we depend on rain and surface reservoir storage primarily. We have been witnessing considerable drought

in the north and northeastern parts of our island, which is now going into its third year. Cattle are dying because there are no pastures for them to graze on, and the situation is assuming serious proportions. We have been hauling water by truck to drought-stricken ranchers and farmers, but as can readily be seen, this is a very costly method and, of course, completely inadequate to meet water needs. Big sugar plantations have been forced to harvest crops at an immature stage and ranchers are sending their cattle to market much sooner than normal in order to economically salvage as much as they can. The drought has also hit the other agricultural areas on other islands, but it is most serious in the county of Hawaii. So you see, that we, just as you in the western continental United States, have our water problems.

Hawaii is also unique because it has a highly centralized form of government. We have, for example, only one school system in all the counties of Hawaii which is run by the State department of public education. I think it becomes quite obvious that when we have numerous school districts with varying methods of taxation, the quality of education and the quality of teachers also vary, depending on how wealthy a community is and how well it is able to manage its affairs. One of the basic questions we must ask ourselves is, Should a child in one part of the State get a better or worse education than a child in another part of the State?

We are unique, too, because we have a more or less unified tax structure, and, with the exception of a few minor taxes and the ability to set the real property rate, all other taxes are uniform throughout the State and administered by our department of taxation. Real property taxes, collected by the State, are retained by the counties. However, a 1-percent State sales tax (excise) is distributed more or less on a basis of need rather than population, with 55 percent going to the city and county of Honolulu, 20 percent to the county of Hawaii, 15 percent to the county of Maui, and 10 percent to the county of Kauai.

We have one very important feature in our governmental structure, a blessing in reality, which to my knowledge none of you enjoy, and that is there are no municipalities to contend with throughout the State of Hawaii. Hence, we have no annexation problems, we have no overlapping of jurisdictions, we have no individual school or water districts, and we have, with a few minor exceptions, no duplication of services. We enjoy a fine, yet not perfect, working relationship with the legislature and State government. In this respect our problem is a continuous one of defining responsibilities between the State and counties.

The State of Hawaii has just completed a 2-year-long study and survey by the public administration service to help the State set up guidelines with definite recommendations outlining these responsibilities. The actual implementation of these recommendations must now be determined by a sound legislative policy. We in county government are anxiously and patiently awaiting the results, for I personally believe this to be the one most important opportunity for us to obtain the right for local determination of governmental structure, the ability to finance the local government adequately and to govern for ourselves all the public functions that we can and should handle.

In recent years, the city and county of Honolulu, for example, has adopted a city charter and has assumed a greater responsibility in city government operations. Please do not be misled by the term "city charter," because as I mentioned earlier, we have no individual city governments governing only activities of a municipality as such. The rightful term should actually be a city and county charter, for their charter covers and governs the city, and the city of Honolulu is an integral part of the county. To some extent the city and county of Honolulu has achieved partial home rule through its charter, but there is much to be done when it comes to taxing methods, bonding limitations, and control over certain services in what we, as county officials, deem our responsibility.

There is little question that eventually each of the neighbor island counties will also be given the right to adopt county charters and assume more of the governmental functions now shared with the State government. Our State association of counties has made great strides in this vital area and are now preparing ourselves with a presentation for the next State legislature which convenes in February 1963.

One of the problems in Hawaii is that the bulk of the economic activity and economic wealth is located on the island of Oahu, and in many respects it can be truthfully said that the city and county of Honolulu subsidizes its less wealthy relatives—the neighbor island counties.

On the other hand, the neighbor island counties are virgin areas when compared to the sophisticated and citified metropolis of the city and county of Honolulu. There is considerable opportunity for growth particularly in my own county of Hawaii in the areas of tourism, agriculture, and timber development. In these our early growth for formative years, my county is unabashedly seeking all the help it can get from the State and Federal governments. We are very anxious, for example, to obtain all the assistance we can get in building roads that would stimulate the development of resort areas or the construction of public facilities that would permit the expansion and growth of new hotel development in established resort areas.

The county of Hawaii has been declared a redevelopment area by the Area Redevelopment Administration in Washington. We were the first county in the western region of the United States to submit a community facility project under the ARA Act. This was a request for assistance to construct a sewer system in Kailua-Kona, a resort area on the northwest coast of the island of Hawaii. ARA has approved a loan of $231,000 and a grant of $205,000. We are actively pursuing additional projects under the ARA program, and I can assure you that we will submit and seek to have approved all projects which are feasible and fall into the criteria as established by them. Since we are a redevelopment area, we are also eligible for assistance under the Public Works Acceleration Act. We have given this act very close study and are in the process of submitting a number of projects for Federal assistance.

For us in the county of Hawaii, it is not a question of whether we wish or do not wish to have Federal assistance. Federal assistance is of vital necessity to us. The same, I am sure, is true in varying degrees in our own counties. Basic problems such as agriculture, timber development, harbors, and roads are not county problems as such, but national problems. Counties, although retaining the greatest degree of autonomy possible, must work hand in hand with the State and Federal Governments in order to provide facilities and develop resources of our communities and, in fact, reach the ultimate objective which is to provide the environment for a fruitful and contributing life to all of our citizens.

I have tried to give you a brief picture of our county-State setup in Hawaii, together with some of the problems we face. You must recognize that the subject of land, water, money, and counties is a difficult one for me when I try to apply solutions to our problems which, I must admit, have until this time been totally unfamiliar to me. Nevertheless, if my information is correct, the following are some of the basic problems we must contend with. All of the Western States are public land States, except Hawaii. All are reclamation States except Hawaii and Alaska. All are big States except Hawaii. All are rural States except Hawaii and California.

Given these differences, and further given the limited role of local government, in Hawaii we have developed a different pattern in our approaches to these matters. This doesn't mean our way is better, it only means that while we may have somewhat different governmental structures, our aspirations, the tools that lie before us, the environment in which we live, are all very similar. I think the objective is to put these resources to work for the economic and social benefit of the public. How this should be done is a matter best decided with reference to the circumstances that prevail: for example, in a relatively small area with major scenic attractions, the tourist business, attracted by parks and other recreational areas, may be its best product. If that is done, then a prosperous community will generate taxes in excess of that foregone by public ownership.

Let me now present a few basic questions and statements and give you some answers which I have assumed to be centered around the problem areas. First, what lands are we talking about? It may be that 90 percent of a given county which is taken up by national forest or grazing districts. It may be a crucial area in Federal ownership put to some uneconomical use. It may be land put into private ownership. It may be land held for speculation or growth purposes by private owners. It may be land acquired by States, counties, or cities for recreational or conservational use.

Second, what water do we mean? Presumably water not used to its fullest potential, such as water going to waste instead of being used for irrigation purposes. Water needed for domestic and industrial use. Even water that goes by in clouds without precipitating itself. It may be water in a reservoir that covers fertile, productive land.

Third, money probably means county revenues, actual or potential. In far too many cases, property taxes only. In some cases, such as Hawaii, shared revenues from economically related taxes such as the sales tax. In some other cases revenues from lands leased or sold.

And fourth, with respect to counties, even though we all know what they are, there is certainly the widest variations. For example, Los Angeles County is perhaps the most populous in the United States, while Hawaii County is large in land area, 4,000 square miles, but sparsely populated. There are counties with no municipalities to those with hundreds of municipalities. There are those with no home rule to those with many variations of home rule.

Time does not permit discussing every possible variant, but it is obvious that both problems and resources vary widely. Let us therefore exploit our resources. The uses I have mentioned does not help the revenue picture if you have only a property tax. They help only a little if you can share some kind of direct revenue, as on national forests. Similarly watershed lands are absolute essentials and often the highest possible use, but no revenue source unless you are in the water business, and finally, in almost every case there is the frustration of not being able to control or guide the use of land, even when it is obviously unsound. So how do we put these all together? First let us face a few facts:

First, public ownership in my humble estimation is here to stay, with little real prospect of major change, unless we become the driving rather than talking force in an attempt to make the change.

Second, water use is the greatest essential of our civilization, and especially in your

Western States, I believe it is always a constant problem.

Third, population bursts and leisure time demands are increasing the requirements for recreation, related uses and making just plain open spaces a premium use in certain areas. These trends will continue to increase.

Fourth, counties by their very nature are not well equipped to prevail in a test of strength with Uncle Sam, States, or cities.

So we ask ourselves, Is it all hopeless? Of course not. The key to resolving these problems lies in two things:

I. Modernizing our concept of land and water use and striving to achieve the best uses under this concept.

II. Modernizing our governmental structure so that counties can thrive under this concept.

There is no use in facing the 21st century and its demands for land and water if we keep the 19th century's ideas of county government and revenues. To do so would merely mean the death of county government as a major force in our society.

But suppose the counties are able to tap the economic health that comes from tourism? Suppose counties go into the water business on a large scale, selling this precious commodity as cities do now and also wholesaling it for irrigation? Suppose counties condemn swamps, drain them and sell subdivisions at a profit? Suppose counties tax the process of lumber from public lands and operate recreational facilities? Suppose the counties protect these resources by enacting proper land use laws? Then, I believe the counties will take their rightful place in harvesting their share of the benefits derived from the best social and economic use of natural resources.

We, as elected county officials are in the selling business. The products we sell are not always and necessarily those bought by local consumers, but rather those that must be bought by high legislative bodies.

Therefore, we must continuously strive to establish a closer, more cooperative atmosphere between our State and congressional leaders by encouraging more active participation on their part, in all of our meetings, conferences, and conventions.

As State associations, we must spend more time and effort to hard sell our legislators in an attempt to make major changes in their taxation methods, rather than reconvince ourselves every 6 months that we have problems and therefore changes are needed.

And then, and only as a last resort, we should actively seek opportunities to debate the issues at hand and let the chips fall where they may.

In this direction, I believe, lies the future of the county. Admittedly, the road is long and twisting. But no people and no government ever prospered by failing to recognize facts or by flailing away at change.

Therefore, I ask this conference to look forward in the hope that progress and change will benefit counties, rather than looking backward in an effort to make counties and their legitimate interests an obstacle to progress.

IMPACT OF FOREIGN TRADE IN NEW ENGLAND

Mr. MUSKIE. Mr. President, during these days of increasing foreign trade competition, it has been encouraging for me to see the way the businessmen of my State have reacted to this challenge. The citizens of Maine have always been noted for their initiative, imagination, and inventiveness. Consequently, I am pleased that a number of our Maine businessmen are looking to the future with foresight and determination, clearly analyzing the challenges that increased foreign competition presents and then devising new and effective means of meeting these challenges.

As an example of this type of clear-sighted thinking, I would like to call attention to the remarks of H. King Cummings, president of Guilford Industries, Inc., Guilford, Maine, before the 17th New England Managers Institute held at the University of Maine, August 21, 1962. His remarks are of particular interest when we realize that his business is woolen textiles.

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

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

A BUSINESSMAN'S LOOK AT IMPACT OF FOREIGN TRADE IN NEW ENGLAND

In recent years, our country is assuming at an increasing rate, the responsibilities that go along with our position of leadership of the free world.

More and more, each of our citizens is coming to realize the burdens as well as the benefits of this position. As is usual in any group of people, the realization comes late and oftentimes with reluctance, and the desire to assume a share of the burden is not sufficiently divided. I am sure that, as of today, the great majority of our people are firmly convinced that the direction our country is taking toward international responsibility is entirely correct, and along with this we must expect ourselves to be leaders also in the area of sound trade policies amongst all countries of the free world.

By putting this country in more direct competition with the European Common Market and generally fostering increases in mutually advantageous trade associations with the free world, we will force both business and labor in this country to improve their performance in order to maintain our standard of living and our economic leadership.

The Trade Expansion Act, I believe, is a must for our country, and if we do not make this move at this time, there is a high probability that in the near future an expanded European Common Market will assume the economic leadership of the free world, and we will be placed in a position of having to buy our way into this stronger group. If this should happen, we would be bargaining from a position of weakness, just as Britain today is ready to pay almost any price to establish herself as a member of the Common Market. There is no question that a steady and increasing rate of economic growth is vital to our country if we are to maintain world leadership. Whether we like it or not, America is even now setting the stage in its struggle to maintain economic supremacy. We are not only in a struggle with the Communist world, but beyond this now we will have to decide soon which segment of the free world is going to call the economic tune, an expanded Common Market area or America.

Europe, in other words, through the success of the Common Market, has forged a combined economic unit that is not only assuming a tremendous economic, but also tremendous political, power. To at least keep up with our allies in economic growth is a must if we expect to maintain our leadership position. We must not let ourselves take second place to the combined economic strength of an expanded Common Market. Let us not forget that the wealth of our country, now as in the past, comes not only from the great richness of our land, but also and increasingly important, from the physical and mental efforts of our people. More from past efforts than from present, we even now are somewhat in the lead of the rest of the world, but other people are making a greater effort than we, and we must realize that this situation cannot exist for long without a tipping of the scales away from American supremacy, economic and political.

There will be great strain, particularly in certain of our industries, to keep their heads above water while establishing the ability in many more of our business establishments to develop markets throughout the free world. The cost of the learning will take considerable initiative, courage, and money. If this conversion is to be made with relative smoothness, the responsibility on our Government for intelligent planning, negotiation, and administering of our trade policy is tremendous.

We must certainly remember that mutually advantageous trade agreements, like mutually advantageous individual business agreements, are arrived at by sound and shrewd bargaining on both sides, and also the fair and responsible administration of any sound agreement is no less demanding and is certainly just as vital to the overall success of and confidence in any program.

1. Today the greatest long-range economic danger we face is that we might fail to move promptly and decisively toward controlled trade association with the Common Market and with the rest of the countries of the free world.

2. The second great danger is if we should fail to develop a strong plan for these associations, tailored to each industry depending on its present status and future potential—a plan that would push the low-wage countries toward improvement in their standard of living and at the same time would tax the ingenuities of our managements and labor.

3. The third great and very real danger is that once a sound plan is developed, we fail to execute this plan with continuity and conviction. For to accomplish this transition with a minimum of loss to our economic rate of growth, government, business, and labor must work together—with each having complete conviction that the other party is determined not to vassilate from the long range plan and the timetable set for its accomplishment. This takes strong, determined, and imaginative leadership in our Government, for there will, I hope, always be strong extremes in points of view.

For example, oftentimes it seems that our State Department is completely oblivious to the effect their recommended policies may have on our domestic economy. On the other hand, generally many business interests would take such a short-range point of view, for possible immediate economic gain, that they would, let alone, bury themselves in devalued currency.

What effect will the Trade Expansion Act have on New England? If we, as individuals and as an area, face up to our international responsibilities with courage and action, I am convinced that the Trade Expansion Act and increased trade with the free countries of the world will have nothing but beneficial effect on all progressive American business endeavor.

The great challenge to the business community will be a considerable broadening in its basic thinking, not only from regional to national, but beyond this to sound evaluation of international business opportunities and an awareness and knowledge of the economic climate throughout the free world.

As we are challenged to do more business with foreign lands and they with us, the average New England business community would be wise to make a fast evaluation of its strengths and weaknesses. There is no question that industries that have been protected by high tariffs for long periods of time are generally in for a shock that is long overdue.

In those communities that are working with large corporations that are financially strong, progressively marketed and with aggressive managements, I am sure the problems will be much less, even as imports increase in their products, for these companies have sound research and product development programs, and they know the domestic market better than their foreign competition. They will also, in many cases, be ahead in selling and manufacturing their products in foreign lands, particularly in instances where they lead in product development and modern selling and advertising techniques. The facts are that most of these companies have been successfully competing internationally for many years. If New England housed a larger percentage of this type of business organization, I am sure that our problems with the impact of the new trade bill would be much less.

It is in the area of small business, or even certain large business establishments that are not equipped to deal competitively on an international basis, where we should have considerable immediate concern, but I am confident if we are willing to face up to the challenges in this new situation with courage and conviction, we can successfully meet and beat all of the problems involved.

I believe that the time is past in the development of the average business in this country that the climate of the business enterprise can be attuned to the climate of its surroundings. I am afraid that too many of us as business people in the New England area are still trying to design and tailor our business operations to fit the pleasant and relaxed atmosphere of New England living. Our people as well as our businesses in many New England areas, if we are to be completely realistic about the situation, lack stimulation and aggressiveness, and in any evaluation of the commercial potential of an area, these factors are vital to progress and profit performance.

We, on the average, like to maintain the status quo. It is an area that is waiting, that is guarding the past, that feels comfortable working in the areas of the known and the predictable. It is an area that has great appeal to many people who wish to relive yesterday, and who hesitate to mingle with the disharmony that is inherent in progress and change. Too many of us who have inherited or earned enough dollars to live comfortably do not have ambition nor feel responsibility beyond that of the coupon clipper. I firmly believe that the day is gone when this type of thinking can control or heavily influence a successful business enterprise. Already the problems of small business in New England are well recognized. One of the greatest problems is the regional thinking of the average small business management.

Most of us are still trying to adjust ourselves to an expanding national market—most companies now fail to anywhere near take advantage of the available market even in our own country. Yet the demands that will now be placed on us will soon require the quick expansion of our thinking to soundly evaluate the business opportunities on an international scale.

It is my fear that today we are very poorly equipped at the management level to compete in the international market with many European small businesses. I have a friend who owns a small business in Prato, Italy, making various types of woven blankets and other textile products. He employs about 75 people and is one of about 200 small- and medium-sized textile concerns in this Italian city. He produces about a million dollars worth annually of textile products. Not only does he successfully manufacture this million dollars worth of goods, but he sells this product to 43 countries throughout the world. About 80 percent of his business is done in export, and if he was not willing and able to compete in this export area he would have no business. I have wondered many times how well the average small New England manufacturer doing a million dollars worth of business would fare in direct competition with this man of Prato, Italy, even assuming that he was operating the same machinery and had the same labor rates.

I am convinced he would be beaten at his own game. Yet is there any reason that we as owners and managers of small American business enterprises should not expect ourselves to be competitive with foreign managements? There is not.

Considering our present position, there is no question that dealing with this kind of competition is going to be a great challenge to many New England businesses. It will put these enterprises under great pressure. The thinking and performance of all people in these organizations will have to improve. The smaller companies may strengthen their position through merger, or through cooperative research and product development, better manufacture, or improved marketing, or some advantageous combination in one or more of these areas. There is no question that to compete successfully we will be forced toward better, longer range financing, more realistic reinvestment policies, and generally the dollars invested per worker will have to increase substantially beyond those that currently support the average New England worker.

The direction America is taking in trade relations with the rest of the world will lead us into one of the most challenging and exciting phases in our business history. If we find ourselves with the courage to meet the challenge, I am sure we will also find this phase to be one of great growth and profit, and beyond this we will have the satisfaction that American business has met its full responsibility in helping to maintain the United States in its position of leadership of the free world.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF RULE XXII—CLOTURE

The Senate resumed the consideration of the motion of the Senator from New Mexico [Mr. ANDERSON] to proceed to the consideration of the resolution (S. Res. 9) to amend the cloture rule of the Senate.

Mr. STENNIS. Mr. President——

The PRESIDING OFFICER. Let the Chair state the pending question: The pending question is on agreeing to the motion of the Senator from New Mexico [Mr. ANDERSON] that the Senate proceed to the consideration of Senate Resolution 9, to amend the cloture rule of the Senate.

Mr. STENNIS. Mr. President, the question pending before the Senate has been stated. As the Chair understands, it is the motion of the Senator from New Mexico [Mr. ANDERSON] to consider the proposed resolution. I intend to discuss the motion.

First, I should like to say a word with reference to the disposition of the prior motion that was voted upon by the Senate last Thursday. That proposal certainly had its day in court. It was espoused by worthy and capable Senators in all sincerity, with great ability, and with their usual fine capacity.

The historic decision that was made in the Senate by its vote on that question resulted in a happy day for our Nation, because we were really beginning to make an excursion into the realms of fancy and unreality, far beyond the purposes and responsibilities of this great body.

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

Mr. STENNIS. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. In view of the fact that the actual vote as recorded does not show the true division in the Senate on that historic decision, I should like to ask the distinguished Senator if it is not true that, after accounting for the two pairs and the showing of the position of one Senator who, though absent, could not obtain a pair, the actual vote would show that the division was 56 for laying on the table to 44 against laying on the table, or a margin of 12 votes.

Mr. STENNIS. The Senator is correct. The actual recorded vote was 53 to 42. As the Senator has said, the actual division of the Senate was 56 to 44, a difference of 12 votes.

Mr. HOLLAND. I thank the Senator. It seems clear to me—and the RECORD should clearly show as we begin debate on the renewed discussion—that the Senate indicated, by a very sizable margin of 12, that it was a waste of time to consider the question, which was laid on the table so decisively.

Mr. STENNIS. I thank the Senator for his comment. The Senator from Florida was one of those who contributed greatly in a most convincing way to the debate and to the decision reached by the Senate. I was pleased that the Senate brought out the additional figures on the vote. I intended to mention that the recorded vote of those present and voting was 53 to 42.

With all due deference to each of the 42, I believe it is fair to say that at least some of the 42 were partly influenced by sympathy, shall I say, toward those who espoused the cause of those who opposed the motion so very sincerely and who put up the major part of the fight. Without casting any reflection on any Senator, but stating the general trend of things here at times, if the vote had been closer, if we had moved closer to the idea of actually turning upside down the established rules of the Senate, and the procedure had become unbalanced, I do not believe that there would have been as many as 42 Senators who would have voted as they did, but on a final decision some of the 42 would have reached a conclusion that, after all, the motion should be tabled.

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

Mr. STENNIS. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. Pursuing the point that the distinguished Senator has made, is it not true that in the debate immediately preceding the vote which he has mentioned, the distinguished Senator from New Mexico [Mr. ANDERSON], the principal sponsor of Senate Resolution 9, took the very strong position that the vote on the issue then pending would be the last opportunity that Senators would have at this session to

show their position with reference to the particular change proposed in the cloture rules, and that that argument, coming from such a distinguished source, might easily have been responsible for the votes of some Senators who felt that it would be the last opportunity, as stated by that principal sponsor, for them to show that they wanted to change the Senate rule which was in issue?

Mr. STENNIS. The Senator is correct. As the Senator has pointed out, the Senator from New Mexico is always frank, forceful, and forthright. On the floor of the Senate he very clearly stated that, as a practical matter, the vote about to be taken would be the last opportunity at this session to cast a vote even in the direction which he favored, and even though it might not be the express point that a Senator wished to vote upon, it would be well that Senators vote against tabling the motion and to vote in favor of the position that he espoused. Otherwise, there would not be another opportunity.

Collateral matters often influence Senators with reference to many of their votes. There are varying degrees of interest involved in the casting of many votes in the Senate during the year. I am sure that a comparable number of the 42 who voted against the tabling motion were influenced by the collateral fact of civil rights proposals being tied in—incorrectly tied in—but nevertheless tied in with that vote. I am sure that factor was responsible for the way many of the 42 Senators voted.

What I have said is not intended as a reflection on Senators who so voted. As I have said, collateral matters often influence us to a degree.

So I believe that if the issue of civil rights had been omitted from consideration at the time of the vote, it would be fair to say that instead of 42 Senators casting their votes against the motion, there would have been many less than 42 votes cast to make such a shocking departure from the true rules of procedure and the true rules of the Senate.

Furthermore, it seems to me that it was shocking, in the face of the plain language of the rules of the Senate and their unmistakable meaning and the precedents of well over a century and a half, for Senators to have actually filed a motion that was completely outside and beyond the rules.

Furthermore, the motion was not only outside and beyond the rules, but was in the face of the rules and contrary to the rules of the Senate.

Furthermore, and with all deference, under the pressure of the debate, the occasion, and the feelings of the moment, the Vice President was actually urged to abdicate his constitutional role as Presiding Officer and President of the Senate, to go out into the realms of the unknown, and actually to make a rule. That is what he would have been doing if we had yielded to the strong pleas and urgings that were made on the floor of the Senate by the proponents.

Regardless of who might be the Vice President—and certainly regardless of the kind of feeling I have for the present Vice President—I think it was another milestone in our history that the Vice President would not abdicate his true constitutional role; that he would not fly in the face of the Senate's rules; that he would not invade the territory of the Senate; that he would not try to make a rule of his own, so to speak. Since the Vice President is a member of the executive branch of the Government, that makes it all the more valuable as a precedent of the Senate.

Mr. President, the debate served many purposes. It cleared up the points I have mentioned. It had a bearing on the true role of the Vice President of the United States. It had a most wholesome influence, I think, for the present and for the future on the proposition that change must be made in the way suggested.

Change can come. We must have change. Change will come. It does come every day, every week, and every year. But it should not come by upsetting the time-tried and time-proved rules and procedures of this great body.

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

Mr. STENNIS. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. Is it not true that if the motion to lay on the table had failed and if the proposal to which that motion was addressed had been adopted—which of course would have followed logically—the Senate thereby would have established a special rule of cloture applicable at the first of each Congress, by which, in the Senate, a majority of one not only could close debate, but also could adopt any new rule or make any change in the old rules desired, not only affecting the cloture rule, but also affecting every other rule or every conceivable new rule which might be offered at the time by a simple majority of one?

Mr. STENNIS. The Senator is quite correct. If that precedent had been established it would have opened the door wide for all the possibilities mentioned by the Senator from Florida and, beyond doubt, for many more which time might wash onto the shore, and rapidly wash onto the shore, thus completely setting aside and destroying the Senate rules, destroying this body as it functions and as it is now known.

I could go further with the Senator from Florida and say if that proposal had prevailed affirmatively the motion not only would have applied to rule XXII but also, with equal logic, could have been applied to all the other rules; and, with almost equal logic, could have been applied at other times during the session, even with respect to considering a bill or on procedural matters. In fact, it would have been a precedent which would have invaded the entire realm of the operation and work of the Senate. I do not think there is any doubt that that would have been the opening wedge which would have brought about changes.

In reviewing the debate and the results of the vote, I am not content to let it rest with only what I might think about it as an individual Senator. I noticed a column published yesterday in one of the local newspapers, the Sunday Star, giving a review of the week under the title "New Senate Disposes of First Real Fight." The author of that column in that responsible newspaper, among other things, said this:

> The vote and the debate underlined a fact which is overlooked by those who view the rules fight only, or primarily, in terms of Negro rights. And this is that many Senators still believe the Senate to be the one remaining bastion for the protection of the rights of all minorities against the possibly oppressive rule of majorities.
>
> A Democratic freshman Senator of Japanese extraction, DANIEL INOUYE, expressed this viewpoint in a surprise and impassioned maiden speech on the Senate floor. Asserting that he well understood the human injustice suffered because of color, the thrice-wounded World War II hero declared:
>
> "If any lesson of history is clear it is that minorities change, new minorities take their place and old minorities grow into the majority.
>
> "I have heard so often in the past few weeks eloquent and good men plead for the chance to let the majority rule. I disagree, for to me it is equally clear that democracy does not necessarily result from majority rule, but rather from the forged compromise of the majority with the minority."

Mr. President, I think time will prove that the short speech by the Senator from Hawaii was a milestone in the history of the Senate for clarity, brevity, and substance. I have neither seen nor heard anything better since I have been here. The Senator from Hawaii, as well as other Senators, made important contributions to the real and true role of the United States, which has been clouded because of assertions made in this debate, as well as preceding ones, usually tied in with an issue which somewhat appeals to the feelings of the people, as well as Members of the Senate.

I read further from the column published in the Sunday Star:

> Senator INOUYE said that the philosophy of the Bill of Rights and the rules of the Senate is not simply to grant the majority the power to rule, but also to limit that power. Accordingly, he concluded, he opposed the destruction of the power of the southern minority in the Senate in the name of helping the Negro minority in the United States.

Mr. President, the speech by the Senator from Hawaii expressed as well and as clearly as a veteran with great experience would have the principle involved: that this is not merely a matter of majorities or minorities, but also is a matter of the minority being able to engraft into proposed legislation at least some of its views and some of its position. I think that is of the utmost major importance.

When we consider the number of times cloture has been attempted, the number of times it has failed and the number of times it has been invoked, there is no way to really count the value of rule XXII, for it permits the minority not only to be heard but also to have an opportunity to engraft into the policies of this body and of proposed legislation its viewpoint and position. In that way this Government has never drifted off far to one way or far to another way, because of what might be the temporary will of a bare majority, but has managed, as a result of this rule more than any other one thing, to represent the entire Nation,

with its diversity of economy, its diversity of people and climate and so many other conditions which go to make up our national life.

So I want to say again with emphasis that the historic occasion of the vote and the debate has greatly contributed to the strength of our Nation and to an understanding of the real issue involved. The Senate has again bottomed itself on the firm foundations of an approach to legislation that will protect minorities, not only in their right to be heard, but to have a real part in the policies of this Nation, thus confirming the fact that it is, not a majority nation, but a nation of great strength where all groups have their day in court and have their strength impressed into the policies of the nation.

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

Mr. STENNIS. I yield to the Senator from Florida.

Mr. HOLLAND. I am sure the distinguished Senator noted, did he not, that of the four Senators from the two new States of Hawaii and Alaska, both of which are geographically remote from the old States of the Union and have problems peculiar to themselves, which they feel may need to be asserted vigorously, over and over again, before they may be recognized by others; three of those four Senators voted with the prevailing majority which illustrated so clearly that those three Senators recognized a possible minority position for themselves in the future, and, recognizing it, wanted to make very sure that they not surrender, thus early in Hawaii's and Alaska's statehood, their right to be heard in behalf of the interests and objectives which are vital to their two new States?

The Senator noted that, did he not?

Mr. STENNIS. I noted it, indeed; and I dare say their people will understand and will applaud their position with reference to protecting their States rights.

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

Mr. STENNIS. I yield.

Mr. HOLLAND. I thoroughly agree that their people will feel they have been well represented in this matter.

Mr. STENNIS. The Senator from Mississippi may add right there that the two Senators from Alaska were men of long experience in government, in the Congress, and in their State, one having been a former territorial Governor, the other having served a long time, most creditably, as a delegate in Congress. They have been in the Senate now for 4 years.

The Senator from Hawaii [Mr. INOUYE], to whom I have just referred, has only come into the Senate this year, but he was in the House, I believe, about 4 years. Certainly, they are not amateurs. They are seasoned men, who reflected their mature judgment based on wide experience.

Mr. HOLLAND. I thoroughly agree that they are seasoned men with a viewpoint which should be recognized as one that shows an understanding of those States, with their peculiar problems, far removed from the other, which may require them to stand here from time to time, long lengths of time, to explain patiently to the people and their colleagues the objectives of the people of their States.

I would like to ask this question: Is it not true that the distinguished Senator from Alaska [Mr. GRUENING], who, as the Senator has just said, was for a long time territorial Governor of Alaska, gave some of our ultraliberal friends something to think about the other day, when, in the course of his able speech on this subject, he made it so clear that practically all the great liberals in the recent past of our Nation took the same position they took; namely, that the cloture rule should be preserved without further emasculation?

Is it not true that the Senator from Alaska [Mr. GRUENING] quoted such Senators as former Senator Borah, former Senator La Follette, Sr.——

Mr. STENNIS. And, more recently, Senator O'Mahoney.

Mr. HOLLAND. And our late colleague, Senator O'Mahoney, from Wyoming. Former Senator Norris was another. The Senator from Alaska quoted many great liberals in support of his contention that the truly liberal position throughout the history of the Senate had been that the protection of minority rights of all kinds required the use of long, and sometimes unlimited, debate on the floor of the Senate. Is it not true that he did that in a most compelling and convincing manner so as to make some of our friends realize that they were departing from the path of liberalism, which I am sure they are trying to tread?

Mr. STENNIS. The Senator is so right. The speech of the Senator from Alaska [Mr. GRUENING] was carefully delivered, with logic, reason, and precedent, and conclusively showed that over the years—not merely the past few years, but over the decades—the consistent position of some of these stalwarts, some of whom we have inscribed in the waiting room—the hall of fame in the Senate, so to speak—was as the Senator has stated.

I may point out that since the Senator from Florida came to the Senate, which was about the same time as I did, we have seen many, many battles on the floor of the Senate, many hard fought, well presented struggles, in which the so-called liberals, or those of more liberal views, were fighting hard for their fundamental beliefs, under the protection of rule XXII, who went all out in their fight and were effective in their efforts in most cases—nearly every time they won concessions of substance and got proposals modified or postponed until they could get their point of view better understood and a modification of the proposed law or policy that was under consideration.

We have seen some of those occurrences time and time again, and I shall mention some of them specifically in the course of my future remarks. So what is involved is not merely theory. It is not just history we are talking about. It happens here in every session. It happened in the last session. It will happen in this session.

Mr. President, with that brief review of the situation which took place in the Senate last week in the debate and the vote, I want to go back and review again some of the fundamentals with which we are still dealing now in the pending question before the Senate, the proposal to change rule XXII. My heart as well as my mind lead me back again and again to the proposition that the Senate is the one place in our Government that is the forum of the States. It is not so much a matter of States rights, as that term is ordinarily understood, but we know our Government is not a mass government. It is divided into units of States. The States are further divided into units and have local governments. It is the only branch of our Government in which the States can be represented fully. The House of Representatives and the White House have their special functions, but the Senate is the only forum of the States. The New Senate Office Building carries that message to the wide world, which is inscribed on the outside of the building. It says: "The United States Senate: The living symbol of our Union of States."

I continue to be impressed with the fact that in the formation of our Constitution, it was this structure, the Senate, which was the backbone of the compromise which really led to the writing of the Constitution. I remember that the record shows that Benjamin Franklin, who was then a man 81 years of age, I believe, rose one morning and addressed the Chair, with George Washington the Presiding Officer, as we so pleasantly recall, and Benjamin Franklin pointed out the fact that they had been there all these weeks and had not reached agreement on essential matters of substance, and that something had to be done. That is when he moved that they open their sessions thereafter with a prayer. That was done.

There came out of that new earnestness and that new start, so to speak, within the course of 10 or 12 days thereafter, the great compromise which led to establishing a Senate in which each State would be represented with two votes, regardless of population and regardless of anything else. They wrote into the Constitution article V, which provides that no State shall be deprived of its suffrage in the Senate without its own consent. It does not make any difference what the other 49 States may say or may want to do or may try to do. It is written into the fundamental law of the United States that no State under any circumstances, without its consent, may be deprived of its suffrage in the Senate.

That is the one point the Senator from Mississippi can recall which is not open to amendment of any kind under any circumstances. It is not open to amendment under any circumstances, and is the only such point in the entire Constitution of the United States. That is a part of the entire structure that goes to make up the Senate. Rule XXII in its present form is also a part of the structure upon which this body rests. If we keep chipping away and whittling away on that principle, we not only change the rules, but we also change the

Senate of the United States. If we do that, we abdicate the position of the Senate and its power and, in a large way, its responsibility, directly contrary to the letter in many instances, and the spirit in all instances, of the Constitution of the United States.

I wish to point out one further matter, to which the Senator from Florida has referred. I have witnessed fights on the floor of the Senate when rule XXII was the one thing that saved great areas of this country in their fundamental rights. I do not know of anything more important in our economy and in our physical life than water. We have seen some instances when States, particularly Western States, had to fight for their lives, and for their economy, and their future with reference to water rights, because in the passions of the moment, and proposed legislation being tied in with other matters, the steamroller was about to run over them; but their Senators here on the floor, after the House Members were swept aside with crushing blows by a great majority over there, were able to get the Senate to protect them.

We also considered the matter of oil, as was pointed out by the Senator from Florida. Rule XXII came in somewhat on the other side at times, and perhaps on both sides at times. However, rule XXII was a vital factor.

I know of other economic questions which came up pertaining to agriculture. It affects also any population group, whether it is in the South or wherever it is. No matter where such a group is, rule XXII protects them. It works both ways. We should not brush aside this fundamental protection in our Government which has meant so much to all these groups in the past and which certainly will mean a great deal in the future. If we remove this protection, the evils will certainly show up in a hurry.

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

Mr. STENNIS. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. Admitting, of course, that everything the Senator has said about the fields in which the cloture rule has been used is entirely correct, I wish to ask the Senator if he does not recall that in the vastly important matter of the further development of atomic energy the cloture rule was used?

Mr. STENNIS. Yes.

Mr. HOLLAND. For some weeks on the floor of the Senate the cloture rule was discussed, and the result of the debate of several weeks was that the minority was sustained in certain of their positions and that those positions were met by amendments in the proposed act before it was passed, and that it was passed within a matter of a few hours or days after the failure of the cloture vote, with amendments which protected the opinions of the minority in certain fields, which up to now have not been shown to be unwise from the standpoint of the best protection of this Nation.

Mr. STENNIS. The Senator is correct. The real reason that I had not mentioned it at the time was that in another phase of my prepared argument I intended to mention, with special emphasis, the Atomic Energy Act, which was one of the best results of the most severe debates I have seen on the floor of the Senate.

I remember that at one time in the debate the floor leader for the majority took the position that a Senator could not speak on his own amendment without the consent of the majority leader. He would give a Senator 3 minutes or 5 minutes, or whatever he might wish to give. At one time I said that I was not willing to pay that price, and I would not speak at all. I did not want to bow the neck to an arbitrary rule like that. It shows how close one can get to it.

While we are on that act, that debate had matters in it which affected the TVA Act and the TVA territory. I went to the House of Representatives to hear the debate over there, and one of the Representatives from Mississippi represented 16 counties, every one of them in the TVA area and all vitally affected. He was allowed 5 minutes in which to argue the bill.

Although the bill had far-reaching provisions and affected every one of the 16 counties, that Representative was allotted 5 minutes in which to present his argument. He got 3 minutes in his own right as a Member of the House, and some other Representative yielded him 2 additional minutes. He had barely begun his speech on the ramifications of the bill and how it affected his people when his time expired.

Like a hurricane, the bill swept on to passage. It came to the Senate, as the Senator from Florida has said, and the Senate debated it for about 4 weeks. During that time concessions were made, and since its enactment the law has proved to be sound.

I continue my remarks with respect to the Senate being the forum for the States. The comparison I have made with the House is certainly not to the discredit of the House. The House is a very important and major part of the entire Government, to say nothing of the legislative branch. But under the rules—more or less under the rules of necessity—the House can be swept aside, under certain conditions, whereas the State representation in the Senate cannot. Each Senator, by the time he has been a Member for even a short time, is usually assigned to at least four major committees. Practically from the beginning of his service, each Senator is assigned to at least four committees, all of them major to a great degree. Usually those four committees have much to do directly with the rights and problems of the respective States. I mention this because it is a part of the picture that the Senate is the forum of the States.

No particular rule goes to make up the substance of the entire pattern, but each rule has its place. However, one rule which goes to the vitals of virtually all the rules is rule XXII, the rule which is sought to be changed, thus whittling away the power and the importance of the representation of the States.

The Senator from Alaska [Mr. GRUENING], in a very fine, well-prepared speech, pointed out the other day that 23 of the 50 States have 5 or fewer Representatives. That is almost half the States. It lacks two of being half the States. Those 23 States have 5 or fewer Representatives. I believe that 5 of those 23 States have only 1 Representative each in the House. So any proposal which would reduce or whittle away the representation of a State in the Senate vitally affects the future of the people of that State, and its position more particularly, in view of its small representation in the House of Representatives.

The Senator from Alaska also demonstrated that there are enough votes in 10 States to pass or defeat a measure in the House of Representatives. Ten of the 50 States is 20 percent. So 20 percent of the States could muster the strength necessary to pass or defeat a measure in the House, whereas 26 or more of the States, considered on a State basis, are required to pass a bill in the Senate.

On the other hand, under the present rules, when put to the extreme, 17 States could band together to defeat measures which were considered by the people to be obnoxious or unbearable. But things seldom happen in that way. As I mentioned earlier in my remarks, a major part of the activities influenced by rule XXII can enable a minority group to get amendments into a bill or into a policy, amendments which represent, in a major way, at least, either the particular bill or the particular problem involved.

We hear, and have always heard, much about the checks and balances in our system of government and its operations. Some persons think that the checks-and-balances system is out of date and old-fashioned, and should not be given the emphasis now that was given to it in the past. I heartily disagree with that position. I believe there is far more reason today for such a system than there was in the past, when the United States was an infant nation, a small nation, just coming into its own. There is more reason today for checks and balances than there was in the days when life was simpler and the problems of government were not so great. In any event it was laid down as the fundamental structure of our Government that there would be checks and balances.

By the way, no popular government, as directly of the people as our Government is, has ever endured for so long a time, unless there were, in some practical way, whether written into a constitution or not, certain checks and balances, which have been the device which has kept our Government operating and meeting the problems of its times.

I think one of the problems of our time, a new problem, which makes checks and balances absolutely necessary, is the activity of pressure groups and other organized groups.

Their organizations are effective at the polls. They make consistent, repeated, well-planned, and schooled efforts to impose their will upon the elected representatives of the people. They do this day in and day out, even before the prospects become candidates of their own party, and follow right through to the

election, and then follow up not only every week, but every day, placing direct pressure upon the representatives of the people.

The executive branch of the Government has vast power. It makes no difference who the President is at any given time. His power is many times greater today than it was when the Constitution was framed, or even 50 years or 10 years ago. Today, the Nation has a budget of $99 billion, to be spent every 12 months. The power and responsibility of the President are immense; they provide a means for tremendous pressure.

Such pressure is exerted in various ways. Not only is it applied to the people, but it can also be applied to economic groups and to members of the legislative branch of the Government. Although the legislative branch is independent of the executive branch, they are, as a practical matter, tied very closely together. So the need for checks and balances, of which rule XXII has proved to be a major and outstanding part, is undoubtedly greater today than it has ever been in the history of our Government.

Mr. President, how sad it would be if ever, under the pressure of events, that concept were abandoned.

We also know that as part of this new picture, in connection with most economic matters, the courts themselves—from the trial courts to the Supreme Court of the United States—have become more liberal in the interpretation of the U.S. Constitution. Undoubtedly they are now much more inclined to read into it liberal interpretations than was the case in the early days; and undoubtedly today they are much more inclined to go into the field of what is, in effect, legislation and policymaking.

Mr. President, all these things add up to a current trend which emphasizes the need to have somewhere in the legislative branch a place where checks and balances can be applied. However, except under the most compelling circumstances, they will not be applied in the extreme.

The Senator from Florida mentioned the atomic energy bill—a measure which I am sure was framed in the utmost good faith, and was presented here on behalf of a very fine and very popular President of the United States. Great pressure was exerted on Senators in the effort to have that measure passed in the form the administration thought it should have, and in accordance with the policy of the executive branch of the Government. I know that nothing really wrong was done in that connection; but certainly there never has been a debate during which more telephone calls came to Senators. Tremendous pressure from the executive branch was exerted here. That pressure was not of an illegal nature; but, in total, it was very great. As the Senator from Florida has pointed out, it was because of the protective arm or barrier of the legislative branch of the Government that those in interest here were able to protect their people and themselves.

So these matters add up to the actual need—greater now than ever before—for continuation of effective checks and balances. A number of them were written into the Constitution itself. In the first place, ours is a government of limited powers; and the other powers are reserved to the States or to the people. In our constitutional form of government we have a built-in arrangement of checks and balances. One of them enables the executive branch to veto a bill which has been passed by Congress. Thereafter, in turn, the legislative branch can under certain circumstances, doublecheck on the Executive, by overriding the veto. Another provision makes possible amendment of the Constitution. If an amendment is to be submitted, a two-thirds vote of both Houses is required; and thereafter the amendment must be approved or ratified by three-fourths of the States.

The authority of either House to expel a Member is another check—one on ourselves. Although that power is rarely used, it is provided for in the Constitution, and is a part of our system of checks and balances.

I refer also to the power to impeach an officer of the executive branch—even including the President of the United States. In that way the Senate can try a person so accused; and, if he is convicted, he will be removed from office.

Mr. President, rule XXII has proved to be a practical part of our system of checks and balances. All these things show a continuing and growing need for it. I believe the Senate supplies, under rule XXII, more checks and more balances than is to be had by means of any other group or any other circumstance within the framework of our Government.

Mr. President, I return to the proposition that, after all is said and done, no charges of substance have really been proven against the proper operation of rule XXII. It is said that the majority should always have the right to control, and that the new Members should have an opportunity to help formulate the rules. The new Members of the Senate constitute a very fine group, Mr. President. We have heard much to the effect that they are not being given an opportunity to take part in the deliberations of this body on the question of the rules which will govern it. However, I point out that there is plenty of work to be done, and they will have ample opportunity to participate in it. Under our system for the assignment of new Senators to committees, each new Senator will, most fortunately, be given what is considered a major committee assignment, to begin with; and, as time passes and as the changes occur, he will find himself in a better and better position; and the first thing he knows, he will be overwhelmed with work.

Furthermore, as the years pass a Senator begins to understand the wisdom of these rules in their practical operation and application; and, after all, he will not have much real complaint about them.

Mr. President, there has been no proof that any real harm is done because of the operation of rule XXII, or that the Nation has suffered thereby.

Senators have referred to the votes cast on various measures.

The vote taken last Thursday in the Senate showed that the proposal then before the Senate failed of passage because of a lack of merit. Certainly that was not due to any fault or defect in rule XXII; that rule was not the culprit. Whatever fault there was with that proposal must have been inherent in the proposal itself.

Mr. President, I also note that there was an opportunity for the Senate to vote on every major measure in President Kennedy's programs for 1961 and 1962. It may be that one of the bills which failed to pass in the House was not brought up in the Senate; but rule XXII did not keep any of the bills of the Kennedy administration from being passed on, here on the floor of the Senate—and passed on by either a direct vote on the bill itself or by a vote on a motion to cut off debate. When there was a motion to cut off debate, the bill was not even supported by a majority of the votes cast. In that connection, I refer to the literacy test bills, on which the Senate voted last year.

I return to the broad proposition that not a single one of the far-reaching measures proposed by the present administration has failed to come to a vote in the Senate.

I have already referred to an occurrence during the time the Senator from Mississippi has been in the Senate. The Atomic Energy Act is an outstanding illustration of a measure that was affected by the operation of rule XXII. It was a far-reaching and major piece of proposed legislation submitted in all sincerity by the executive branch of the Government, with all the force, influence, persuasion, and power of the executive branch squarely behind it. It had the pressure of various groups and large segments of the economy of the Nation. Everything, it seemed, was driving to pass the bill as written.

After a very rapid debate the bill was passed by the House of Representatives. It was impossible really to present the measure on its merits in the House, and to point out its demerits and possible consequences.

I observe that several Senators have come into the Chamber since I started to speak on this subject. I repeat that on the day the atomic energy bill was considered by the House of Representatives, I went over to that body to hear a part of the debate. I wished particularly to hear one of the Representatives from Mississippi, who represented 16 counties, every single one of which was directly and substantially affected by the terms of the bill. When the bill came to the floor of the House of Representatives, the Representative from Mississippi was permitted to speak for a total of 5 minutes to point out how the measure would affect the people whom he represented. He was limited to 5 minutes in which to point out the defects in the bill and make his plea to his colleagues not to vote for the measure. Under the rule he was permitted 3 minutes in his own right. He borrowed 2 additional minutes from some other Representative. Before the Representative had gotten into the real substance of the bill, his allotted time had elapsed. He was gaveled

down, and the bill swept on to a vote within less than an hour after that Representative's appearance. It passed the House by an overwhelming vote, and came to the floor of the Senate, where it was debated off and on for approximately 5 weeks.

When cloture failed under rule XXII, a conference was held in which concessions were made. Those of us who had been fighting the bill were successful in having amendments agreed to which time has proved, under the circumstances, were acceptable to the proponents of the measure.

The bill was then passed by the Senate by an overwhelming vote. As I recall, that was 8 years ago. The law has been in operation since that time.

Neither the Senator from Mississippi nor anyone else of whom I know has heard any complaint about its operation. It has proved to be sound, solid, and just law for all groups. Furthermore, it protects the Federal Government in all of its rights and responsibilities. It has turned out to be one of the major achievements of the Eisenhower administration.

Mr. President, I see that the Senator from Louisiana [Mr. LONG] has entered the Chamber. Since I have been discussing the Atomic Energy Act, I should like to point out how vitally concerned the Senator was with that measure and how he contributed greatly to the debate on the question.

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

Mr. STENNIS. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Does the Senator recall that in the course of the debate to which he refers we had some experience in seeing how cruel and brutal a majority can be when that group really feels that it has the whip hand? On that occasion the majority voted to lay on the table any amendment submitted, regardless of the merits of the amendment, even before it was discussed. I ask the Senator if he recalls how completely arbitrary the majority leader on that occasion was when he decided he had heard enough debate and insisted that the amendments be voted on post haste, with the result that every time a Senator would offer an amendment, even before he could obtain recognition to explain his amendment, the majority leader would demand recognition, obtain it from the Chair, and then would move to lay on the table the amendment even before the Senator could explain his amendment or discuss its merits.

Mr. STENNIS. The Senator from Mississippi recalls that the Senator from Louisiana was pushed around somewhat in that debate.

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

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. I do not believe that what the Senator has described occurred in that particular debate, even though I recall the same experience having happened to the Senator from Louisiana in other debates. If the Senator from Louisiana recalls correctly, on one occasion, even in the absence of the Senator from Louisiana from the Chamber, the majority leader moved to table his amendment.

Mr. STENNIS. The Senator from Mississippi remembers that debate. It indicates what can and did happen. Cloture could not be obtained. The Senator from Mississippi was interested in a proposed amendment. The floor leader demanded action. He would not permit the Senator from Mississippi to speak unless he agreed to speak only 4 or 5 minutes, whichever it was. In the fervor of the moment I declined to speak at all if I could not speak any longer than that. I would not yield to those terms. The amendment was rejected by a voice vote.

Mr. LONG of Louisiana. Does the Senator recall that during the course of that debate a Member of this body who was not present during the earlier debates made the statement that in view of the failure of those tactics on those occasions, they probably would not be employed in the future? I ask the Senator if it was not because of the fact that every Senator had the right to make two speeches as long as he cared to make them, those tactics were defeated. So as a practical matter, had the majority leader been in a position to invoke cloture on the Senate by a 50-percent or even a 60-percent vote, Senators who were debating against the bill would not have been in a position to keep him from using that type of whiplash tactic.

Mr. STENNIS. The Senator is correct. The Senator from Louisiana and I have been in the Senate about the same length of time. Nothing more forcibly illustrates the wisdom of rule XXII than the debate on the atomic energy measure.

Mr. LONG of Louisiana. Mr. President, the amendments which were forced upon that bill as a result of the extended and determined debate of the minority on that occasion have remained in the law. I have yet to hear anyone maintain that those amendments should be removed from the law.

If I recall correctly, one of the aspects of the debate was the famous Dixon-Yates contract, which was subject to much criticism, as the Senator knows. Subsequently, exposures were made that caused even Senators who favored the Dixon-Yates contract to feel that it was subject to very serious criticism, particularly because of the manner in which it had been brought about.

Mr. STENNIS. Is it not true that later the courts upheld the position of those of us in the Senate who were accused of filibustering the bill? Did not the Court sustain the position of the minority in that fight?

Mr. LONG of Louisiana. The Senator is entirely correct. One thing that has impressed the Senator from Louisiana was the fact that in that fight the administration recommended that private concerns should be able to obtain private patents on contracts for research in the field of atomic energy. If I recall correctly, those contracts even permitted private patents based on Government research for which the Government had paid.

If I recall correctly, one of the amendments to that bill provided that even where contracts were obtained on the basis of private research, there would still be compulsory licensing so that others could manufacture some of the commodities resulting from the research in competition with those who might otherwise have a stranglehold on the new development.

Mr. STENNIS. The Senator is correct. In that debate, as in many others, the Senator from Louisiana made an oustanding contribution with reference to the matter of patent rights, as well as other related matters.

Mr. LONG of Louisiana. I thank the Senator.

Mr. STENNIS. I thank the Senator from Louisiana.

I was referring a few minutes ago to the Atomic Energy Act as an outstanding illustration of an instance when extensive debate took place for days and days strictly on its merits and resulted in the final passage of a bill, but that under the protection of rule XXII the minority group were able to get representation for their thinking and to have written into the bill certain amendments for their protection. Some 2 years later a case from a trial court went to the Supreme Court, and was decided by the Supreme Court, as the Senator from Mississippi recalls, in an affirmation of the position taken by the minority group in that debate in the Senate.

It illustrates in more ways than one the wisdom of having had a chance to modify a policy, to modify the language through amendment and through concessions.

Coming to another outstanding debate, I refer now to the Civil Rights Act of 1960. I mention that case because it is a civil rights act about which so much is said in connection with rule XXII.

There was a case where the bill that was proposed, and in connection with which cloture was attempted to be imposed, was so drastic and harsh in its terms that the Senate itself changed its position and later voted a bill which was signed by the then President of the United States and is now known as the Civil Rights Act of 1960.

During the debate an attempt was made to impose cloture, which failed by a vote of 42 to 53. In other words, only 42 Senators voted in favor of imposing cloture, and 53 voted against it. The bill as then constituted was in such form that it did not even get a majority of the Senate to vote for cloture. That proved that the measure was not suitable in its form at that time to a majority of the Senate.

That being true, if it is true, the fact that that measure seemed to attract the favorable vote of a majority of the Senate was not due to some rule of the Senate, but was due to the lack of intrinsic merit in the bill, its failure to meet the situation, its failure to commend itself to the Senate. So the inability to get a majority was due to the fault of the bill itself; it was not the fault of rule XXII. That was an outstanding case in which concessions were made. At least, changes were made, the bill finally passed, and it is the law today.

During my tenure in the Senate, there was a lengthy debate in which rule XXII was invoked. I refer now to the literacy test bill, the bill relating to voting requirements. In that instance, two attempts to have cloture applied were made. On the first attempt, only 43 Senators voted for cloture; 53 voted against it. Later during the debate, cloture was again attempted. At that time only 42 Senators voted for cloture, while 52 voted against cloture. That was when a so-called civil rights bill was pending, and on each vote the proponents of the measure were unable to get even a majority to vote in favor of cloture. That was conclusive proof that the bill did not have merit; that it fell of its own weight; that it was defeated because of a lack of merit, not because of rule XXII.

Considering all the arguments which have been made, in almost every instance—certainly those within recent years—the failure has been due to a lack of merit in the bill, not due to the operation of rule XXII. Such action also shows a very strong belief by the Senate in the fundamental precedents of the Senate. It is not necessary to refer to the traditions of the Senate, but to the firm precedents of the Senate, within a framework of action over the years, meeting every challenge that has been made.

Let us consider all that has happened since 1917, when the United States entered World War I, and continuing through the distressing and far-reaching depression; through World War II and the period of adjustment thereafter; through the Korean war and its approximately 3 years' duration; and through the approximately 10 years since the shooting stopped in Korea.

I refer again to the literacy test bills. Only this morning, since I began to speak, reference has been made by the senior Senator from Connecticut [Mr. DODD] and also by the senior Senator from Kentucky [Mr. COOPER] to the literacy test bills. As the Senator from Mississippi understood the Senator from Kentucky, when he referred to those bills, the Senator from Kentucky pointed out that they did not square with the Constitution, as many Senators interpret the Constitution. Therefore, those bills were defective. The Senator from Kentucky is now introducing a bill having a different approach, as the Senator from Mississippi understands. I point this out to show the wisdom of the application of the rule.

Now I come to the most recent instance, one which occurred last year. The Senate had before it for consideration a bill which had the backing of the administration and which had been passed by the House by an overwhelming vote. I refer to the satellite communications bill. The bill had been reported to the Senate by the Committee on Aeronautical and Space Sciences following, as I understand, a unanimous vote by that committee.

On the floor of the Senate, the bill encountered the very strongest kind of opposition. Some excellent arguments were made in favor of the bill. The Senator from Mississippi did not agree with those arguments and really did not wish to impose cloture upon Senators who were very strenuously and sincerely opposed to the bill in all of its major parts. Extensive and compelling arguments were made by opponents of the bill in their fight for the preservation of what they considered to be the fundamental rights of the people and of the Government of the United States, rights which they felt would be voted away or delegated to private individuals under the terms of the bill.

Anyway, in the course of time, a motion for cloture was presented; and after the elapsed time, the Senate voted, 63 to 27, for cloture. Thereafter, following debate under the terms of the cloture, the bill passed and became law.

Aside from the merits of the bill and the merits of the arguments made against the bill, it was shown that the Senate could operate under its present rules, that the rules are workable, and that when there is before the Senate a bill having real substance, one which meets the requirements of conscience as well as the judgment and the mind of enough Senators, such a bill not only can be passed but will be passed, as was the communications satellite bill.

Another well-known bill which failed to pass dates back to the year 1946. This subject has been mentioned in debate before, but I bring it to the attention of of the Senate again because I think it is highly important. The bill was presented to Congress by the President of the United States in 1946. Its main provision was that after a certain brief notice, persons who were engaged in the operation of railroad trains, and therefore were engaged in interstate commerce, and who did not resume their labors—a great many strikes were in progress at that time—in response to the call to return to work, could then be inducted into the armed services under the direction of the President of the United States. I cite that bill to show that it was one which affected a great segment of the country—the so-called labor group, a group which had certain respected rights under the law, vested rights in their labor organizations, and vested rights in their long tenure of jobs. It was a bill which, in the feelings of the times, cut them down and brushed them aside without a hearing or adjudication, but merely upon the will of the President of the United States.

Furthermore, the question of enforced service was involved. Under the Selective Service Act, young men can be required to render certain military service, but that is strictly on the ground of necessity. That act deprives them of what would otherwise be their freedom and their right of individual choice in life; but that restriction is imposed on the ground that it is necessary for the protection of the Nation and in the interest of the national defense. It is to the credit of those who are protected by it that virtually all of them are willing to serve and, in fact, under those circumstances want to serve.

The proposal before the Senate on the occasion to which reference has been made was that the strikers be inducted into the Army—but for a reason altogether different. That proposal would have resulted in taking away their liberty, as a means of punishment; and in that way they would have been forced to serve in the Army. Furthermore, that proposal applied to many who were beyond the age of military service and to many who, for physical reasons, would have been disqualified from military service. That proposal was not made as a means of strengthening the Armed Forces; instead, it was made as a means of punishing certain persons. It was contrary to the American system. Nevertheless, that bill was passed in the House by a large majority. Last week I heard two Senators who then were Members of the House say that they regretted the votes they cast for that bill. In fact, one of them said the vote he cast for it was the vote he regretted most, of all the votes he had cast at any time during his service in Congress.

It should be noted that at that time the country was beset by many strikes which tied up transportation, communications, and mail, to the very great inconvenience of the people of the country and to the impairment of the economy and its operations. So there was provocation for that measure; but my point is that that situation shows what can happen in such circumstances. I also point out that I do not know of any Member of the House who then voted for the bill who now is really proud of that vote.

I also point out that if at that time the bill had been passed by the Senate and had become the law of the land, it could today serve as a precedent for punitive legislation against certain groups—in short, a precedent for a measure inducting them into the Army. If that could be done as punishment, it would seem that they could also be placed in prison.

However, under the more liberal rules of the Senate, which provide time to think and reflect, the Senate did not pass the bill. The late Senator Taft of Ohio—who later became one of the authors of the Taft-Hartley Act, and certainly was not espousing the cause of labor—led the fight in the Senate to slow down the process by which the passage of that Army draft bill was sought. As a result, there was an opportunity for tempers to cool; and thereafter the Senate decided that the bill should not be passed. It is highly to the credit of the Senate that it did not succumb to the pressure then exerted for enactment of the bill. Rule XXII was what saved us.

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

The PRESIDING OFFICER (Mr. NELSON in the chair). Does the Senator from Mississippi yield to the Senator from Louisiana?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. Did the Senator from Mississippi hear the argument the Senator from New Mexico [Mr. ANDERSON] made shortly before the vote was taken last week, when he more or less made very light of the importance of the Senate rules in connection with the debate on that bill?

Mr. STENNIS. Yes, I heard his quick reference to that measure. As I recall,

he suggested that the defeat of that bill was due only to the alertness of Senator Taft, and that he was opposed to the bill, anyway.

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield further to me?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. I was not then a Member of the Senate; but I believe the Senator from Mississippi was——

Mr. STENNIS. No, Mr. President; that happened a year before I came to the Senate.

Mr. LONG of Louisiana. At any rate, is it not true that if the rights and the tradition of free debate in the Senate had then been eliminated, that would have led the Senate to succumb to the same temptation to which the House was subjected—with the result that in the House the bill was passed on the same day it was introduced?

Mr. STENNIS. Yes, I think that in that event the Senate undoubtedly would have passed the bill. I base that conclusion on a considerable amount of comment which has been made to me by Senators who at that time were Members of the Senate. When I came to the Senate in 1947, that bill was about the most talked-about item to be discussed in the cloakrooms and the corridors. It was generally agreed that in that situation rule XXII, which caused the slowdown of the attempt to have the bill passed by the Senate, saved the Senate. In view of the fact that those strikes continued, I think there is no doubt that if the bill could have been voted on in the Senate within a few days after it came before the Senate, it would have been passed by the Senate.

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield further to me?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. Was the Senator from Mississippi a Member of the Senate at the time when the Taft-Hartley bill was enacted into law?

Mr. STENNIS. No; I came to the Senate a few weeks after its enactment.

Mr. LONG of Louisiana. Does the Senator from Mississippi recall that the proposal to enact that measure was very controversial, and that before the bill was passed there was extended debate in the Senate?

Mr. STENNIS. That is correct.

Mr. LONG of Louisiana. In view of the extremely important nature of the subject matter, was it not appropriate that the bill was subjected to that searching analysis, and that that controversy occurred on the floor of the Senate?

Mr. STENNIS. Absolutely so. In that process the bill was largely rewritten—as I have always heard from Senators who took a conspicuous part in that debate. I have been told that by Senators who favored the bill and Senators who opposed it. The bill was rewritten on the floor of the Senate; most of the provisions now discussed in that connection were developed in the Senate committee, and subsequently were voted into the bill.

It will be recalled that after the bill was passed, it was vetoed; but the bill was really passed over President Truman's veto. That is a remarkably good illustration of the fact that when a need for the enactment of such a measure exists—and I thought there was then a need for the enactment of such a bill; and time has proven the need for its enactment—rule XXII is a very desirable one. At that time rule XXII was stricter than it is today; but certainly that rule has made possible the most important slowing down of the process of passage in the Senate of important and controversial legislation.

Mr. LONG of Louisiana. Does the Senator from Mississippi recall that in the next Congress, after the Democrats had increased their majority in the Senate by about 12, an effort was made almost to repeal the so-called Taft-Hartley Act; but the rules of the Senate were such that those who tried to obtain an immediate repeal of that act encountered—once again—the traditional procedures of the Senate which require committee hearings and free debate in the Senate? Does the Senator also recall that on that occasion, after that matter had been thoroughly debated, it was the judgment of the Senate that the drastic proposals for changing that act which had been recommended by a majority of the Committee on Labor and Public Welfare should not be adopted; instead, both the House and the Senate chose to go along with the views of the late Senator Taft and the others who had joined in the sponsorship of that act, with the result that the Taft-Hartley Act was modified drastically, but not nearly as drastically as was desired by those who wanted—in effect to have that act repealed?

Mr. STENNIS. The Senator is correct. The Senator from Mississippi recalls that he and the Senator from Louisiana were among the newest Members of the Senate at that time. We came to the Senate in 1947 and 1948, along with other Senators. There followed the second great debate on the Taft-Hartley bill. The measure was fought out again on the floor of the Senate. Finally, as the Senator from Louisiana has said, the Senate, in its deliberative process, reached the conclusion that it would refuse to repeal some of the major provisions of that law. From then until the present time we have had essentially the same law that was finally passed by the Senate.

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

Mr. STENNIS. I am glad to yield to the Senator.

Mr. LONG of Louisiana. I ask the Senator if it is not a fact that the Senate traditions of fair play and careful consideration would probably not last very long if there were not rules to support those traditions? If we should make rules which would permit a majority to shut off debate when it wanted to do so, would it not be likely that a leader of the majority would take whatever means were available to him in order to prevent careful consideration of a measure that the leader had made up his mind he wanted?

Mr. STENNIS. Whether the floor leader were aggressive or not, if, as the Senator has said, he decided what should be done and he had good counsel to support him, he would then make the strongest kind of appeal, using his prestige and position, and would appeal to the group of which he might be a part to support him, saying, "Let us put this over," I think the process would become almost routine. Cloture would be imposed to force a vote, and very rapidly the structure, the tenor, the tone, and the effectiveness of the Senate would suffer. There is no doubt about that. Our experience convinces us that it would happen. That is why it is so important that our system be maintained.

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

Mr. STENNIS. I am glad to yield.

Mr. LONG of Louisiana. Often in the House a measure is proposed, a few hours are allowed for debate by one side, and the other side is limited to a similar amount of time. Should that method be employed in the Senate, would there not be a tendency, on the part of both those who would employ it as well as those who would be passive partners in permitting such a thing to happen, to go through the same procedure time and time again?

Mr. STENNIS. Unquestionably. It is human nature for men to act in that way.

Mr. LONG of Louisiana. Should that become the procedure, would we not see the end of the Senate as we have known it?

Mr. STENNIS. Unquestionably. Certainly it would be the end of the Senate as we have known it. We would become a smaller and less important legislative body. We would be a kind of annex to the House of Representatives.

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

Mr. STENNIS. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. The Senator recalls how rapidly the Senate can act when it must resolve issues and controversies that impede action. The Senator will recall that on occasions bills have been passed through the Senate on a single day without objection, when the Senate had decided that it was prepared to act on such bills?

Mr. STENNIS. I have never seen the Senate fail to act on any measure that was of real major importance and that had strength and merit to appeal to the membership of the Senate. I believe that many times we have acted too quickly.

Mr. LONG of Louisiana. Is it not more important that we see to it that bills that are passed are good bills and in the national interest than to judge ourselves by the number of bills we can pass, if any of the bills that we do pass would work a very great injustice and perhaps result in a miscarriage of justice for a large segment of our people?

Mr. STENNIS. The Senator is so correct. With the many time-consuming duties that we have, if there were not

some means by which measures could be slowed down in the Senate, I do not know how we could consider the merits of some proposed legislation.

The Senator's question raises a very practical point. As the Senator from Louisiana so well knows, under the Constitution, the House of Representatives has the sole authority to originate revenue-producing legislation. By interpretation, the House of Representatives has been effective in maintaining, under that provision of the Constitution, the position that the House also has the right to originate appropriation bills. So in practice all major appropriation bills originate in the House of Representatives.

Furthermore, since there are so many more Members in the House of Representatives than there are Senators, major measures are originated there year after year.

Such measures come from the committees of the House, and the House votes on them sometimes the following day. The bill and report come before the House before the country knows what may be in the measure and, before there is time for much reaction, the bill is brought before the House of Representatives—not every time, but most times—with a rule to limit debate, and sometimes even an amendment cannot be offered. The measure goes through like a shot from a shotgun, either up or down, but it usually passes.

Then the bill comes to the Senate, where we really get the reaction from the people. Through our Senate committees all considerations are brought up for discussion and argument and sometimes for the first time the measure will be argued extensively.

I do not make that statement as a criticism of the House. It is a fact of life. If we should now sweep aside our *major rule that* slows down measures, then under the pressure of the moment and the impetus of the bill having passed the House, a bill could continue to gallop along and be the law of the land before people realized what it contained.

When I refer to people, I mean the various groups that would be affected by a measure and those who have a right under our system to be heard. It is really in the Senate that a close examination of proposed legislation is made and a slowdown occurs.

Mr. LONG of Louisiana. I ask the Senator from Mississippi if he recalls the controversy over the so-called basing-point bill which occurred, if I recall correctly, during the years 1949 and 1950. Does the Senator recall that that proposed legislation was pushed through the House of Representatives with very little consideration and after a very short debate? Some of us who thought that after the House had eliminated certain important Senate amendments, it was a bad proposal as it passed the House. The measure was held up until it could be considered at some length in the Senate. It had to go over a recess of Congress. We were successful in fighting even on a proposed conference report, sending the measure back to conference. When the measure was finally forced through the Senate, it went to the President's desk and the President vetoed the bill. It never did become law.

Mr. STENNIS. Yes. The Senator is quite correct. My memory was dim with reference to the history of that bill.

Mr. LONG of Louisiana. I ask the Senator if he can recall that all sorts of industrial groups, including some labor groups, had been supporting that bill. Hearings had been held by the then Senator from Indiana, Mr. Capehart. People from all over the Nation had come before the committee, representing every kind of industrial group, and a great number of labor groups, to testify that this type of thing should be permitted as an exemption from the antitrust laws.

When a small group of us undertook to expose the defects of that proposal, though there were only one or two Senators to start with, we wound up the fight with a great body of Senators opposing the bill. When the President vetoed the bill there was so much opposition to the proposal that no effort was made even to override the veto, and that bill has been dead to this day.

Mr. STENNIS. That is a classic illustration of the wisdom of the rules. At some place there must be a slowdown and an opportunity to reconsider.

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

Mr. STENNIS. I yield to the Senator from Texas, who has been waiting a good while to ask me a question.

Mr. TOWER. Does the Senator from Mississippi recall the classic case of Youngstown Sheet & Tube Co. against Sawyer, of 1952?

Mr. STENNIS. Yes.

Mr. TOWER. Does not the Senator agree that the situation described in that case was somewhat analogous to the situation now present, in that when the case was argued before Judge Pine in the Federal district court in Washington, D.C., the Government contended that the President was justified in seizing the steel industry in that great strike in the spring of 1952 because we were at that time still engaged in our unpleasantness in Korea, we had defense commitments to meet, and we were trying to achieve the rate of economic growth needed and the production of steel was vital?

The Government contended that because of the vital character of steel production the President should be allowed to seize the steel industry, even though there might not be adequate precedent for it, because the emergency situation warranted it.

Does not the distinguished Senator from Mississippi remember that District Judge Pine said that any evil which would flow from his failure to allow the President to seize the steel industry would not be matched by the evil which would flow from his refusal to uphold the Constitution of the United States; and does not the Senator remember that he said that constitutional means have always proved adequate to meet any emergency?

Mr. STENNIS. Yes.

Mr. TOWER. Does not the Senator agree that an established, traditional, proved way of doing things, which does slow down proposed legislation so that it can be properly deliberated upon and considered, is necessary, and that no emergency situation should cause us to abandon a system which is already proved and which has prevented a great deal of bad legislation from going on the statute books?

Mr. STENNIS. The Senator has expressed it very well. I heartily agree with him.

The late Senator George used to say, in some of his remarkable speeches, that it is better to put up with the evils we have rather than to fly into unknown problems which would be presented by a reckless change.

There may be some problems in connection with rule XXII, as there may be in connection with all rules, no doubt.

I agree with the Senator.

Mr. TOWER. Does not the Senator from Mississippi agree that one of the reasons why we in the United States have been able to govern ourselves with order and stability—one of the reasons why ours is the oldest written Constitution in force and effect today, and ours is the second oldest government in the world, even though we are a relatively young nation—is that we have relied on experience as a guideline?

Does not the Senator agree that the burden of proof of the workability of an advocated reform in our system falls on those who advocate vast and sweeping reforms or changes?

Does not the Senator believe that Edmund Burke was correct when he defended the American Revolution but criticized the French Revolution—which was not an inconsistency—on the grounds that we were retaining the proved legal and political institutions which would enable us to govern ourselves with stability, whereas the French were wiping them out altogether?

So does a need in our current life, either real or imagined, though it appears to be pressing, demand that we do away with all the old institutions which have proved themselves and have shown themselves to be great contributing factors to the fact that we have so long governed ourselves with order and stability?

Does not the Senator believe that the right of virtually unlimited debate in the Senate has been a great contributing factor to the orderly government of this country?

Mr. STENNIS. It has been a great and stabilizing influence. Much sound action has been based upon it. That is generally conceded. I do not think there is any doubt about it. It has been conceded by students of government and men of experience in public life over the decades.

It is largely only a group which has made promises, which naturally the group wishes to redeem, or those who become obsessed on one subject matter or two, who think—and they are honest in their thinking—they must make a change in order to meet the end desired.

The Senator from Mississippi has seen many come to the Senate who wanted to change the rules; yet after they had

been here a while on second thought, based on experience, they changed their minds.

Mr. TOWER. Does the Senater remember that the junior Senator from Arizona [Mr. GOLDWATER] expressed that very sentiment on the floor of the Senate the other day, in a statement to the effect that he had always been impatient with the idea of continuous debate and thought there should be a gag rule, but that, after a little experience in the Senate, he came to realize that the legislative process has to be slowed down?

Mr. STENNIS. Yes.

Mr. TOWER. We could not presume to call ourselves a deliberative body, could we, if we proceeded to rush through legislation without some sort of rule which tended to slow it down to the extent that we could give to it the consideration it merited and deserved?

Mr. STENNIS. The Senator is quite correct.

I should like to give another illustration. When the Senator from Mississippi came to the Senate the acting majority leader was the late Senator Kennedy Wherry, of Nebraska. The Republican Party was in the majority at that time. The floor leader was the late Senator White, but he was not present and the acting floor leader was the late Senator Wherry. He had been elected to the Senate for his first term, and among other things he pledged to vote to change the rule on cloture. When he ran for reelection, he had a provision in his platform calling the attention of the people to the promise which he had made 6 years previously, stating that he had kept his promise but that he was not going to renew it, that he had changed his mind about the subject matter and that if the people sent him back to the Senate he was going to defend the rule.

Mr. TOWER. Does not the Senator agree that the very fact that many Senators have revised their opinions on things is a good argument for experience?

Mr. STENNIS. Yes.

Mr. TOWER. Does not the Senator agree, that experience has been the prime factor in the evolution of the Senate institutions, traditions, customs, and usages, and should not be taken lightly?

Is not the Senator aware also of the fact that cloture is not impossible to invoke in this body, remembering that rather late in the previous session, when it seemed apparent that we must pass the satellite communications bill, the Members of this body did invoke cloture? Has it not always been proved that when some important emergency situation confronts this country, which is real in substance and to which the people are alert, we have been able to perform with speed and dispatch without abrogating our institutions?

Mr. STENNIS. The Senator is correct. The record is full of illustrations of the kind the Senator has pointed out and mentioned.

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

Mr. STENNIS. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Is it not true that about the only case one could make for the argument that emergency legislation vital to the national security had been delayed by free debate would be the situation which existed back in 1917, when this Nation was at peace, and the President wanted legislation authorizing him to arm merchant ships, which presented a very touchy issue as to whether this Nation should engage in armed neutrality?

Looking at the matter with a certain amount of retrospect, did not that issue involve the question whether this Nation was being taken into war by means of neutrality of a belligerent character?

Mr. STENNIS. The Senator is undoubtedly correct. We were at that time almost totally an isolationist nation. It was one of the gravest and most far-reaching innovations of the 20th century when we changed that position. The question should have been considered and debated to the utmost, with deliberation and adequate time. There was no sin attached to that debate.

Mr. LONG of Louisiana. May I ask the Senator if some of the men who engaged in that debate, as a matter of conscience and conviction, have not gone down in history as some of the greatest men who have served in this body?

Mr. STENNIS. The Senator is correct. The image of one of those men is in the waiting room, having been selected by a group of this body, headed by the now President of the United States, who selected him as one of the great men who have served in the Senate.

Mr. LONG of Louisiana. Does not the Senator have in mind Senator Robert La Follette, Jr., who was perhaps one of the greatest men who ever served in the Senate, and who was selected by a committee of Senators, including former Senator Kennedy, of Massachusetts, as being one of the greatest Members ever to serve in this body?

Mr. STENNIS. The Senator is correct.

Mr. LONG of Louisiana. I will ask the Senator also if that group did not include one of those who, according to Senators, and particularly liberal Senators, has been regarded as one of the greatest of all time, the late George Norris?

Mr. STENNIS. Yes.

Mr. LONG of Louisiana. Is it not true that both of those Senators believed that there come times when a Senator of even a very small minority owes it to his conscience and to the Nation to use the rules to the utmost to defend what he believes to be in the public interest?

Mr. STENNIS. The Senator is correct. He has given an apt illustration. One could not give a better example. Even though they were in a very distinct minority at that time, their work has lived. Even though the Nation has changed its position, the worth of going through the regular process has been proved over and over again.

Before the Senator from Louisiana leaves the Chamber to attend to some other matter, let me follow up the point he made a while ago, with respect to the fact that the House passes on proposals rapidly, and that more time is given to them in the Senate.

The Senator from Louisiana will remember that last year Congress took considerable punishment from the press—administered in the right way—and that there was much writing during the months of April, May, June, July, and August, to the effect that it was a do-nothing Congress and had not passed many bills. It blamed the Senate more than it did the House. Matters were stacked up on the calendar. But the very process to which we alluded a few moments ago was going on. Bills had been introduced. They were in committees. They were being considered. Some were on the calendar. Reports were being made. Persons were given an opportunity to ascertain what was in those bills which would affect them. The legislative processes were in operation all the time. Finally, Congress adjourned on about the 13th of October. During the month of September and the last days of the session, virtually all proposed major legislation was considered and became law. That fact shows that the alleged delay and alleged do-nothing attitude was nothing but the normal, necessary legislative processes taking place and doing their part in slowing enactment of laws and giving an opportunity for the people to learn what was in the bills. It is the Senate rules which make that possible.

Does not the Senator agree? Has not the Senator seen that take place year after year since he has been here?

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

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. I agree with the Senator's statement.

May I ask him, with reference to the mail we receive and the importuning which tells us, for example, that the Gallup poll shows this or some other organization says this, if he does not agree that it is not really important what people think until they have heard both sides of an argument, or all sides of an argument? Some questions have three or four different sides that a person should consider.

I ask the Senator if it is not more important that, before a conclusion is arrived at, both sides of a question, or three or four sides of a particular question, be heard by persons who may have been subjected only to a propaganda barrage?

Mr. STENNIS. I heartily agree with the Senator. I have said before, with regard to the judgment of the American people, or whether they have an opinion on many of these matters, that the second thought of the American people is solid and sound. As the Senator has illustrated, if they have an opportunity to weigh matters and have a second thought, then they will have a sound judgment. Things can happen that may arouse their passion. Things may happen that will arouse their anger. I suppose all of us have a little meanness in us. We see it expressed in various ways. But, given time to have a second thought, there will be a good judgment and a solidified public opinion.

As the Senator has so well said, one cannot know on which side of a question the merits are until both sides are

weighed and a person is given a chance to consider them.

Mr. LONG of Louisiana. May I ask the Senator if the same attitude should not be taken with respect to some of the mail we receive importuning us to take a certain position on legislation? Is it not of importance to a Senator, when he looks at that mail, to inquire to what extent the person writing has had an opportunity to learn both sides of the issue?

Mr. STENNIS. The Senator is correct. I thank the Senator for his contributions.

Mr. President, if I may refer again to the new Members of this body, much has been said about them with respect to the course of legislation as it goes through the House and then comes to the Senate. I address this comment particularly to new Members of this body who may not have already served in the House. Let me again call to their special attention the processes through which legislation goes in the Senate, whereas in the House there is rather rapid consideration—of necessity—and the bills and reports which outline the bills are available to the public only for a very short time before there is a vote in the House. I have heard Members of the House themselves complain that there was not time enough for them to get into a report on a bill, and certainly the public is not given time enough to go into it.

When the bill comes here, the whole matter is on our doorstep. It takes time as it goes through the committee. Even after it goes through the committee, as busy as a Senator is, the fact is that 100 Senators here must pass on as many bills as the 430-odd Members of the House must pass on. Even if the committee has passed on a bill, the Senator himself needs time to study it, and the staff needs time. Even after a bill comes on the floor, a Senator needs more time. That is when he is able to really get into a bill. It is when the Senate debates the bill. That is the first time that the people in the country have had a chance to get into it. It is during the course of the debate on the bill that that occurs. That process is no reflection on the House. It is a rule of necessity there.

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

Mr. STENNIS. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Referring to those who would make invidious comparisons of the House with the Senate, would it not be correct to say that within the House it is very difficult for a Member of the House to be accorded a yea and nay vote on a particular matter, on which some Members may not care to go on record with regard to; whereas in the Senate, when one has a bill such as the proposal that I have, to give an opportunity to veterans to take out National service life insurance, it cannot be buried out of sight somewhere; and is it not correct to say that one Senator can take his amendment and bring it up on almost any piece of legislation, but certainly seek to add it to a germane piece of legislation, and during the course of a session can offer his amendment and argue for a yea and nay vote, and settle for nothing less?

Mr. STENNIS. Yes.

Mr. LONG of Louisiana. So that anyone can see where a Senator stands on a question of that kind. Is that not correct?

Mr. STENNIS. The Senator has mentioned one of the most effective legislative weapons that is present in the Senate. It happens over and over again in the consideration of many bills at every session. It is another illustration of how much better chance under the rules a Senator has to get those ideas and those policies and those provisions up for consideration and judgment of a legislative body.

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

Mr. STENNIS. I am glad to yield to the Senator.

Mr. LONG of Louisiana. Does the Senator believe that it is quite fair to the new Members of the Senate to require them to vote on this matter before they have had the experience of having been on both sides of an issue, both on the side of those who are opposing legislation which they believe to be harmful, although it apparently has the backing of a majority at the time, as well as on the side of those who are trying to pass legislation which is being subjected to very extensive and determined debate?

Mr. STENNIS. It is unfortunate to commit these new Members, who cannot possibly have the feel of things, and to irrevocably place them on record with regard to a certain position on a matter that is controversial and can be far-reaching, before new Members have had a chance to know the operations of the rules, as the Senator from Mississippi has illustrated by citing the late Senator from Nebraska, Mr. Wherry. It is a very unfortunate part of our system. So many Senators change their minds, according to their conversations in cloakrooms and elsewhere.

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

Mr. STENNIS. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Has not the Senator had the experience, in talking to other Senators, of discovering that Senators who have had occasion to fight what they believed to be extremely bad legislation, knowing that their only hope lay in the right of extended and free debate in the Senate, simply have invariably come to have much more respect for the Senate rules and Senate traditions than someone who has not had that experience?

Mr. STENNIS. Yes. The old saying is that the proof of the pudding is in the eating. The proof and the wisdom of these rules, not only rule XXII, is that after a Senator gets here and has operated under them he sees the wisdom of their application. I believe that is the real reason why these rules are able to survive, in spite of the very strong attacks that have been made on them over the years. It is because when the showdown comes there is a great deal of merit in keeping them; otherwise they could not have survived the changes as well as the pressures against them.

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

Mr. STENNIS. I am glad to yield.

Mr. LONG of Louisiana. Is it not correct to say that notwithstanding all of the political rewards and temptations which have been dangled before Senators and all the entreaties that have been made by special interest groups who perhaps made the suggestion that they had supporting votes behind their position, the Senate never has seen fit over a period of at least 14 years, during which time I have been a Member of this body, to drastically change the purpose and the spirit of the rules that existed when we came here?

Mr. STENNIS. That is correct, even though there have been three changes made since the Senator from Louisiana came to the Senate. That shows that the Senate does not consider a rule in the same fashion as the law of the Medes and Persians, and that it cannot be changed; and it shows that the Senate has moved into an area and has considered a matter and has changed its rules three times, but has still hung on to and kept the major part of a rule because it is so sound in its operation and because the need is present.

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

Mr. STENNIS. I am glad to yield.

Mr. LONG of Louisiana. Does not the Senator recognize that a great number of those who want to change these rules for various and sundry reasons recognize the fact that there should be more than a majority to cut off debate?

Mr. STENNIS. Yes.

Mr. LONG of Louisiana. I should like to ask if it is not fair to say that in practically all experience where more than a majority is required, recognizing that there is need for it and logic behind it, the two-thirds principle is about the lowest that is required in almost everything known to our government, and that in practically all rules of debate, such as Robert's Rules of Order, a two-thirds vote is necessary for the previous question; and that in the Constitution itself a two-thirds vote is necessary to override a Presidential veto? Therefore, does not a two-thirds majority pretty well comport to our tradition and the practices that have been set down for American government, unless one wishes to speak about approval by States, in which case a three-fourths vote is required?

Mr. STENNIS. Two-thirds of those present and voting is the rule that generally applies. It has been found to be practical, as the Senator says, not only here but in the Robert's Rules of Order, which represent the general standard, certainly throughout the English-speaking world, and that is recognized as the general standard, or something similar to it. That is a very practical point the Senator has just made. I thank the Senator from Louisiana for his contribution to the debate, as well as the Senator from Texas. The Senator from Louisiana and I have seen matters de-

velop in this debate—and our tenure in the Senate is almost identical—and generally we have taken part in most of those major debates. I know that the Senator from Louisiana was very active in the debate in which cloture was finally imposed. I appreciate his remarks today.

I address this further word to new Senators, Senators who have only recently taken the oath of office, and who will have to perform their duties and make their records under the rules of the Senate. I do not believe there is any rule of the Senate which gives a Senator a greater opportunity to prove himself or an opportunity to take part in debate and in forming policies and having amendments adopted than rule XXII. We talk about new Senators being "swept under the carpet" for a while. Surely if there were majority cloture, or cloture by less than a majority, I believe almost of necessity a new Senator would simply be forced to stand back and wait. He would have to wait a long time. But under the present rules, when a new Senator comes here, hangs up his hat, and takes the oath, he becomes a Senator and is a full-fledged Member from that moment on.

I remember that the distinguished senior Senator from Georgia [Mr. RUSSELL] gave me good advice when I first come to the Senate. He said: "You are a full-fledged Senator and have full responsibility. You have no excuse for not carrying on your duties and working. You do not have to yield your position or anything else. Whenever you have anything which you think needs to be heard, let it be heard."

I pass that thought on to Senators who have just come to this body for the first time. I believe there is no other body in the world where a member has the chance really to start his work early and be effective and prove his merit than right here in the Senate of the United States. That is due, in large measure, to the rules which make the U.S. Senate a unique and distinct body. It is not merely a courtesy; it is not merely being nice to a new Member as a courtesy, or for any reason of that kind. Of course we wish to be courteous to one another. But that is not the real situation. A new Senator is a full-fledged Member of this body. He can make his work felt. He does make himself felt from the very beginning.

So I believe, after all is said and done, that the operational and practical value of rule XXII is that it enables a new Senator—enables a minority, even though it be a small minority—not merely to defeat proposed legislation, but, day after day, makes it possible for him to engraft his ideas, his thoughts, his problems onto the majority, or what finally comes to be the majority.

I have never heard anyone express this view better than it was expressed by the distinguished junior Senator from Hawaii [Mr. INOUYE] last Thursday, in his short but graphic and effective presentation of his ideas in debate. I read briefly from his address as it appears on page 1498 of the CONGRESSIONAL RECORD for Thursday, January 31, 1963. The junior Senator from Hawaii said:

> Let us face the decision before us directly. It is not free speech, for that has never been recognized as a legally unlimited right. It is not the Senate's inability to act at all, for I cannot believe that a majority truly determined in their course could fail eventually to approach their ends. It is, instead, the power of the minority to reflect a proportional share of their view upon the legislative result that is at stake in this debate.

The Senator from Hawaii had previously said that the minority of today may become the majority of tomorrow, or the majority of today may become the minority of tomorrow. But assuming there is a majority adverse to the Senator from Louisiana [Mr. LONG] and his State, and assuming there are Senators who fall within that category, under the rules of the Senate there is a power that lies within the minority whom he represents to reflect a proportional share of their views of problems upon the legislative result on the bill. I think that that, after all, is the meat and muscle, more than any other meaning of rule XXII.

Remove it, and we will have lost not merely the privilege of being heard; we will have lost the benefits which go with that privilege. Under rule XXII, we have the unique and unusual power, even though we be in the minority, to force ourselves proportionally into the legislative result. I think that is one of the mudsills of our form of government. Rule XXII is entirely consistent with the whole theme of our Constitution as it relates to the legislative branch of the Government. Not only is the rule consistent with the Constitution, but it is essential that there be such a rule in order to make the spirit of the Constitution itself be a living thing.

Something has been said about the statements of former Senators. Senator Borah once made a famed statement. He was one of the great liberals of his time and one of the powerful Members of this body. I never had the privilege of serving with him. This is what he said in a broad, sweeping statement of only eight words:

> I am opposed to cloture in any form.

I cite Senator Borah as perhaps not being absolutely correct all the way down the line, but as being the great fighter and great liberal that he was, based upon his years of experience. He said:

> I am opposed to cloture in any form.

As I understand, it was he who would lead any fight or attempt to curtail the powers of the Senate or of Senators, and he was opposed to cloture, as he said, in any form.

Mr. President, I appreciate the indulgence of the Senate. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

[No. 17 Leg.]

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

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

Mr. HUMPHREY. Mr. President, what is the question?

The PRESIDING OFFICER. The question is on the motion of the Senator from New Mexico [Mr. ANDERSON] to proceed to the consideration of Senate Resolution 9. [Putting the question.]

Mr. STENNIS. Mr. President, what is the question? Will the Chair restate the question?

The PRESIDING OFFICER. The question is on the motion of the Senator from New Mexico [Mr. ANDERSON] to proceed to the consideration of Senate Resolution 9.

Mr. STENNIS obtained the floor.

Mr. STENNIS. Mr. President I yield to the Senator from South Carolina, if I may.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. How many speeches has the Senator from Mississippi made on this calendar or legislative day?

The PRESIDING OFFICER. The Senator from Mississippi has spoken only once on this calendar day.

Mr. HUMPHREY. How many speeches has the Senator from South Carolina made?

Mr. STENNIS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. Who has the floor?

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

Mr. HUMPHREY. Mr. President, I made a parliamentary inquiry merely to clarify the situation.

The PRESIDING OFFICER. Will the Senator from Mississippi yield to the Senator from Minnesota for a parliamentary inquiry?

Mr. STENNIS. Mr. President, the Senator from South Carolina expected to obtain the floor. He was not present at the moment. The Senator from Mississippi does not care for the floor. He would like to have the Chair recognize the Senator from South Carolina.

Mr. HUMPHREY. Mr. President, will the Senator yield to me for a question?

Mr. THURMOND. Mr. President, I had understood that the Senator from

Mississippi wished the floor in order to make a parliamentary inquiry. I was in the Chamber, but I withheld going forward out of deference to the Senator.

Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina seek recognition?

Mr. THURMOND. I seek recognition.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina. Now, does the Senator from South Carolina yield to the Senator from Minnesota for a parliamentary inquiry?

Mr. THURMOND. I yield to the Senator.

Mr. HUMPHREY. I should like to ask the Senator, so that we can clarify the record, whether the Senator will speak on the question before the Senate.

Mr. THURMOND. The Senator from South Carolina plans to speak on the motion before the Senate.

Mr. HUMPHREY. And the Senator is speaking within the limits of debate; he has addressed the Senate only once on this subject on this parliamentary day?

Mr. THURMOND. The Senator from South Carolina has not exceeded the limitation.

Mr. HUMPHREY. I thank the Senator. That was my inquiry. I was not sure what was the parliamentary situation with reference to the rules of the Senate as they pertain to the legislative day and a Senator's addressing the Senate on the subject before the Senate.

Mr. THURMOND. Mr. President——

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

Mr. THURMOND. Mr. President, this attack upon the rules of the U.S. Senate should be viewed as what it actually is—a frontal assault upon tradition and orderly procedure and a real and present danger to the Senate of the United States. This fact is largely forgotten or intentionally overlooked due to the propaganda barrage leveled against the present rule XXII by the liberal press as merely a device for defeating civil rights legislation. Nothing could be further from the truth.

Tradition, in and of itself, is not sacred and cannot provide the complete answer to every problem. Nevertheless, long-standing traditions are seldom maintained without sufficient reason. Almost invariably, traditions serve as a warning beacon of oft forgotten and sometimes obscure, but always sound and logical purposes.

A beacon of more than 170 years unbroken tradition stands as a warning of the seriousness of the proposal before this body. Should the motion to proceed to a consideration of the rules be favorably considered by this body, this 170-year tradition will be destroyed, and regardless of a subsequent return to the same method of procedure by this body after sober reflection, the tradition will be broken, and the beacon extinguished forever.

Even more vital, however, are the logical purposes which prompted the unshattered existence of this tradition. Foremost among these purposes is that of insuring an orderly procedure, so vital in such an authoritative body.

Complaints have been made that this body is not only deliberative, but on occasions, dilatory, when operating under its present rules. Yet some of those who voice these complaints would have this body declare itself, by an affirmative vote to proceed to the adoption of rules, to be a noncontinuing body and, therefore, without any rules whatsoever. It has been suggested that during the interim between this vote and the adoption of new rules by a majority vote of this body, that the Senate proceed under general parliamentary law, or as one self-styled authority suggested, under "Robert's Rules of Order."

I cannot conceive of a more perfect example of jumping from the frying pan into the fire than to proceed from a disagreement as to what the rules should be, to a disagreement on what the rules are, as would be the case if this body attempted to operate under general parliamentary law, or even "Robert's Rules of Order."

The Senate is not an ordinary parliamentary body. Analogies to the procedure of other parliamentary bodies have little, if any, relevancy to the question before us. For instance, the House of Representatives is exclusively a legislative body. The Senate is far more. In addition to being a legislative body, it performs, by constitutional mandate, both executive and judicial functions. Article II, section 2, of the Constitution provides that the President shall share with the Senate his Executive treaty-making power and his power of appointment of the officers of the United States. Article I, section 3, of the Constitution requires of the Senate a judicial function by reposing in the Senate the sole power to try all impeachments.

The uniqueness of the Senate is not confined, by any means, to its variety of functions. There are innumerable other aspects about this body which prevent its orderly operation at any time under parliamentary law other than its own rules, adopted in accordance with the provisions of those rules. For example, almost all parliamentary procedures presuppose that any main question, after due notice, can be decided by at least a majority of the members of the particular body using the parliamentary procedure. Any Senate rules which presupposed such a conclusion would be inoperable, for the Constitution itself specifies the necessity for two-thirds majority for action on many matters. Among these issues requiring a two-thirds majority by constitutional mandate are for conviction on impeachment; to expel a Member, to override a Presidential veto; to concur in a treaty; to call a constitutional convention; to propose a constitutional amendment to the States and to constitute a quorum when the Senate is choosing a Vice President. The very fact that each State, regardless of its population, has equal representation in this body belies the thought of simple majority rule in its deliberation.

It is this very uniqueness which has compelled so many to conclude that the Senate had a degree of continuity unknown to other parliamentary bodies.

The Founding Fathers themselves, in drafting the Constitution, provided for this continuity by establishing a 6-year term of office for each Senator, so that a minimum of two-thirds of the entire body would continue from one session to the next. Had the Founding Fathers desired continuity only, but less than a continuing body, they could have provided for a staggered term of 4 years for a Senator or with one-half of the Senate returning from one session to the next. This would not have provided the necessary quorums to do business at all times, and the Senate would not have been a continuing body.

The Senate itself has reenforced the premise that it is a continuing body by the unbroken precedent of continuing its rules from one session to the next. In recent years there are two clear-cut precedents upholding the Senate's status as a continuing body, and even more specifically, that its rules continue from one session to the next. In 1953, and again in 1957, this body tabled a motion that it proceed to take up the adoption of rules for the Senate.

In 1954 the Senate voted to condemn the late Senator McCarthy for his conduct in a previous session. The committee report accompanying the resolution stated:

> The fact that the Senate is a continuing body should require little discussion. This has been uniformly recognized by history, precedent, and authority.

In addition, the Senate has jealously maintained its authority to continue its committees in their operations between adjournment and the commencement of the next ensuing session. The Supreme Court in the 1926 case of McGrain against Daugherty specifically ruled that the Senate was a continuing body and that, therefore, its committees were authorized to act during the recess after the expiration of a Congress.

Is the purpose sought to be accomplished by the drastic action proposed so worthy as to justify the risk of stripping the Senate's committees of their authority to function after the date of adjournment? Is it so imperative that it justifies the abandonment of orderly procedure for the jungle of general parliamentary law? The Senate has again this year answered this question in the negative. The Senate is a continuing body.

The proponents of the pending motion aver that the real target for this all-out effort is one Senate rule, and only one—the one which primarily governs the limitation of debate. This much maligned rule has been made the scapegoat by many groups. Its greatest distinction, however, appears to be its seclusion from objective consideration.

In discussing the history of limitation of debate in the U.S. Senate, many newspapers and newspaper columnists appear to be under the impression that a limitation of debate existed in the United States in the period between 1789 and 1806. Their assumption is based on the fact that, during that period, the Senate rules allowed the use of a motion called the previous question. During the debate on this subject in previous years, the point was discussed, and it appears that the debate would

have established in the mind of a reasonable person that there was no limitation on debate in the Senate during this period. Nevertheless, some newspaper editorials and columnists apparently still labor under the misapprehension that the previous question, which existed in the Senate between 1789 and 1806 was a motion to end debate. For this reason, I believe it would be well to review this matter to some extent so that any lingering doubts that there was a limitation of debate in the Senate between the years 1789 and 1917 will be dispelled.

In discussing the previous question, which existed in both the Senate and the House until 1803, Dr. Joseph Cooper stated:

There is very little evidence to support the contention that in the period 1789–1806 the previous question was seen as a mechanism for cloture, as a mechanism for bringing a matter to a vote despite the desire of some Members to continue talking or to obstruct decision. This is true for the House as well as for the Senate. On the other hand, convincing evidence exists to support the contention that the previous question was understood as a mechanism for avoiding either undesired discussions or undesired decisions, or both.

The leading advocate of the view that the proper function of the previous question related to the suppression of undesired discussions was Thomas Jefferson. In his famous manual, written near the end of his term as Vice President for the future guidance of the Senate, he defined the proper usage of the previous question as follows:

"The proper occasion for the previous question is when a subject is brought forward of a delicate nature as to high personages, etc., or the discussion of which may call forth observations, which might be of injurious consequences. Then the previous question is proposed: and, in the modern usage, the discussion of the main question is suspended, and the debate confined to the previous question."

In terms of his approach, then, Jefferson regarded as an abuse any use of the previous question simply for the purpose of suppressing a subject which was undesired but not delicate, and he advised that the procedure be "restricted within as narrow limits as possible."

Despite Jefferson's prestige as an interpreter of parliamentary law for the period with which we are concerned, his view of the proper usage of the previous question cannot be said to have been the sole or even the dominant one then in existence. A second strongly supported conception understood the purpose of the previous question in a manner that conflicted with Jefferson's view; that is, as a device for avoiding or suppressing undesired decisions.

The classic statement of this view was made in a lengthy and scholarly speech delivered on the floor of the House of Representatives on January 19, 1816, by William Gaston. In this speech, Gaston, a Federalist member from North Carolina, argued that on the basis of precedents established both in England and America the function of the previous queston was to provide a mechanism for allowing a parliamentary body to decide whether it wanted to face a particular decision. In the course of his speech he took special pains to emphasize his differences with Jefferson:

"I believe, sir, that some confusion has been thrown on the subject of the previous question (a confusion, from which even the luminous mind of the compiler of our manual, Mr. Jefferson, was not thoroughly free) by supposing it designed to suppress unpleasant discussions, instead of unpleasant decisions."

Gaston's speech, to be sure, was made 5 years after the previous question had been turned into a cloture mechanism in the House and it was made as a protest against this development. It is valuable, nonetheless, as an indication of the state of parliamentary theory in the years from 1789 to 1806 and its standing as evidence of this nature is supported both by the arguments made in the speech itself and by less elaborate statements made on the floor of the House in the years before 1806.

That the previous question was understood as a mechanism for avoiding undesired decisions in the early Senate as well as the early House is indicated by an excerpt from the diary of John Quincy Adams. The excerpt comes from the period in which Adams served in the Senate and it contains his account of Vice President Burr's farewell speech to the Senate. In this speech, delivered on March 2, 1805, Burr by implication seems to understand the function of the previous question as relating primarily to the suppression of undesired decisions.

"He (Burr) mentioned one or two of the rules which apeared to him to need a revisal, and recommended the abolition of that respecting the previous question, which he said had in the 4 years been only once taken, and that upon an amendment. This was proof that it could not be necessary, and all its purposes were certainly much better answered by the question of indefinite postponement. * * *"

We should note in closing our discussion of proper usage that in Burr's case, as in a number of others, his words do not rule out the possibility that he understood the previous question as a mechanism for avoiding undesired discussions as well as undesired decisions. Indeed, despite the exclusive character of the positions maintained by Jefferson and Gaston their basic views could be held concurrently and in the years immediately preceding 1789 they were, as a matter of general agreement, so held in the Continental Congress. The previous question rule adopted by that body in 1784 read as follows:

"The previous question (which is always to be understood in this sense, that the main question be not now put) shall only be admitted when in the judgment of two Members, at least, the subject moved is in its nature, or from the circumstances of time and place, improper to be debated or decided, and shall therefore preclude all amendments and further debates on the subject until it is decided."

Thus, a third alternative existed in parliamentary theory in the early decades of government under the Constitution with reference to the previous question—that of seeing it as a mechanism for avoiding both undesired discussions and undesired decisions. The extent to which Jefferson's, Gaston's, or a combination of their positions dominated congressional conceptions of the proper function of the previous question is not clear. The lack of rigidity in parliamentary theory was an advantage rather than a disadvantage and the average Member, in the years before 1806 as now, was not apt to be overly concerned with the state of theory or its conflicts unless some crucial practical issue was also involved. However, practice in these years reveals that in both the House and the Senate the previous question was used mainly for the purpose of avoiding or suppressing undesired decisions, rather than undesired discussions. Still, practice also reveals that the degree to which these purposes can be distinguished varies widely from instance to instance and that often any distinction between them must be a matter of degree and emphasis, rather than a matter of precise differentiation.

Mr. President, the previous question of these early congressional days was a mechanism for avoiding undesired discussions or decisions rather than to achieve cloture. Three key factors in the rule's operation from the standpoint of parliamentary theory illustrate this: the motion of previous question was debatable, the procedure followed after the motion was determined and the limitations on the use of the motion.

When the previous question was properly moved by the required number of Members, it was debatable. The debate could be extensive, for the only real limitation in the Senate was the provision that no Senator should speak more than once on the same issue on the same day without permission of the Senate.

The procedure following a determination on the previous question motion is described by Dr. Cooper as follows:

Equally, if not more important, as an indication of the purposes for which the previous question was designed is the manner in which the House and Senate understood the motion to operate after a decision had been rendered on it. With regard to negative determinations of the previous question, the view that appears to have been dominant in the period from 1789 to 1806 was that a negative decision postponed at least for a day, but did not permanently suppress, the proposition on which the previous question had been moved. In the House this view seems to have prevailed during the whole period from 1789 to 1806, though it is possible to place a contrary interpretation on the evidence which exists for the first few years of the House's existence. As for the Senate, less evidence is available, but it is probable that its view was similar to that of the House. This conclusion can be based on Jefferson's statement that temporary rather than permanent suppression was the consequence of a negative result and the fact that on one occasion the Senate seems to have acted in accord with the temporary suspension view. However, it should also be noted that in a number of instances in which the previous question was used in both the House and Senate, the circumstances were such that permanent suppression was or would have been the unavoidable consequence of a negative result.

The fact that a negative determination of the previous question suppressed the main question supports our contention that the previous question was originally designed for avoiding undesired discussions and/or decisions, rather than as an instrument for cloture. That the previous question could not be employed without risking at least the temporary loss of the main question ill adapted it for use as a cloture mechanism. It is not surprising that one of the longrun consequences of the House's post-1806 decision to use the previous question for cloture was the elimination of this feature. On the other hand, suppression was a key and quite functional feature of the previous question, viewed as a mechanism for avoiding undesired discussion and/or decisions. Indeed, in the period from 1789 to 1806 suppression served as a defining feature of the mechanism. Men who intended to vote against the motion would remark that they supported the previous question and on one occasion the motion was recorded as carried when a majority of nays prevailed.

With regard to affirmative determinations of the previous question, the evidence which exists again does not lend itself to simple, sweeping judgments of the state of parliamentary theory in either the House or the Senate. The House in the years from 1789 to 1806 on a number of occasions allowed

proceedings on the main question to continue after an affirmative decision of the previous question. Finally, in 1807 a dispute arose over whether such proceedings could legitimately be continued. The Speaker ruled that they could not, that approval of the motion for the previous question resulted in an end to debate and an immediate vote. This was Jefferson's opinion as well. But despite the fact that Jefferson's pronouncements on general parliamentary procedure were as valid for the House as for the Senate, the House overruled the Speaker and voted instead to sustain the legitimacy of continuing proceedings after an affirmative decision of the previous question. It is not clear whether this decision should be explained by assuming that it reflected the House's long-term understanding of proper procedure or by assuming that it merely reflected the House's pragmatic desire to escape the consequences of the 1805 rules change which abolished debate on the motion for the previous question.

As for the Senate, again less evidence is available, but the Senate appears to have accepted the view that the proper result of an affirmative decision was an end to debate and an immediate vote on the main question. This is what seems to have occurred in the three instances in which the previous question was determined affirmatively in the Senate. Nonetheless, it should be noted that the issue never came to a test in the Senate and we cannot be certain what the result would have been if it had.

Yet, even if we concede that the Senate understood the result of an affirmative decision as Jefferson did, what must be emphasized once more is that this facet of the rule's operation does not mean that the previous question was designed as a cloture mechanism. Jefferson did not regard it as such, but rather saw an immediate vote upon an affirmative decision as an integral part of a mechanism designed to suppress delicate questions. To be sure, it was this facet of the rule's operation, combined with the abolition of debate on the motion for the previous question, which helped make it possible for the House to turn the rule into a cloture mechanism.

Mr. TALMADGE. Mr. President, will the distinguished Senator yield to me at that point?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Georgia.

Mr. TALMADGE. Is it not a fact that Dr. Cooper, who, I believe, is a professor of political science at Harvard University, has done extensive research on the very point the able Senator is bringing out?

Mr. THURMOND. The Senator is eminently correct.

Mr. TALMADGE. Is it not also correct that he reviewed 10 or 12 instances which occurred in the Senate from 1789 to 1806, when the so-called previous question prevailed in the Senate, and that in not one instance was that rule utilized as a device for cloture?

Mr. THURMOND. The Senator is correct. I believe the year probably was 1805. At any rate, the statement which the Senator made is absolutely correct.

Mr. TALMADGE. Is it not true that it was used as a device to get rid of a touchy question that the Senate wanted to lay aside at that particular moment?

Mr. THURMOND. A delicate question, as the Senator stated.

Mr. TALMADGE. Is it not true that from 1789 to 1917 there was no cloture rule of any kind in the U.S. Senate?

Mr. THURMOND. And the Senate got along fine and made great progress during that period. This agitation appears to have developed recently, in what seems to be a play for certain blocks of votes.

Mr. TALMADGE. In other words, from 1789 to 1917, if every Member of the U.S. Senate save one wanted to gag the other Members, the Senate did not have the power to do so?

Mr. THURMOND. The Senator is correct.

Mr. TALMADGE. Is it not correct to state that in 1917 two-thirds of the Senators present and voting could compel the other one-third to take their seats?

Mr. THURMOND. The Senator is correct.

Mr. TALMADGE. Is it not fair to say that there are those in the Senate and in the country who, unfortunately, want to make that rule much more stringent?

Mr. THURMOND. I think that is a fair statement.

Mr. TALMADGE. I am sure the able Senator from South Carolina is fully aware that on many occasions the House of Representatives, which has the previous question rule, has passed legislation that has been hasty and thoughtless and not carefully considered. Is the Senator aware of the fact that in 1863, during the unfortunate War Between the States, free speech in the U.S. Senate saved the writ of habeas corpus?

Mr. THURMOND. The Senator is correct.

Mr. TALMADGE. Does not the able Senator from South Carolina think that each and every one of the filibusters that ever occurred in the U.S. Senate was not too great a price to save the writ of habeas corpus?

Mr. THURMOND. The Senator from South Carolina agrees with the Senator from Georgia. As the able Senator has said, not a single piece of important proposed legislation has failed to pass the Senate because of its rules, but many bad pieces of proposed legislation have been stopped as a result of the rules of the Senate.

Mr. TALMADGE. I agree with the Senator from South Carolina. Is it not true that in 1937 free speech in the Senate stopped the effort to pack the Supreme Court of the United States?

Mr. THURMOND. The Senator is correct.

Mr. TALMADGE. Is it not also true that in 1946 a bill which was completely unjust, a bill to authorize the President of the United States to draft striking members of railroad unions into the Army, passed the House within a matter of minutes, with only 13 dissenting votes?

Mr. THURMOND. The Senator is correct.

Mr. TALMADGE. Does not the Senator from South Carolina foresee the time, if any further limitation is placed on the right of free speech in the U.S. Senate, when some popular President at the moment might arouse passion in this country, and a majority could immediately run roughshod over Congress and have Congress pass legislation that would be completely harmful to our country?

Mr. THURMOND. The Senator from South Carolina can visualize such situations; and he would further say that some of those who are agitating today for a rules change would undoubtedly be in the minority then and would deeply regret that they had ever sought a change in the rules.

Mr. TALMADGE. Did not an aroused and inflamed mob at the moment cause Christ to be crucified?

Mr. THURMOND. The Senator is correct.

Mr. TALMADGE. The able Senator from South Carolina is making a very fine speech. I congratulate him on what he is saying. I hope the Senate and the country will heed his words, because I feel quite strongly that if the right of one Senator or of any group of Senators to speak freely at length is impaired in this Chamber, at that moment the Senate of the United States will cease to follow its traditional role of guardian of our republican form of government and of the Constitution that has served us so well for 176 years.

Mr. THURMOND. I thank the able Senator from Georgia for his kind remarks. As a student of history and of government, he knows whereof he speaks. The statements he has made have greatly contributed to the debate. The questions he has propounded have brought out important information for the benefit of the Senate.

Mr. President, I continue to read from the dissertation by Dr. Cooper on "The Previous Question":

This occurred in 1811 when the House, fearful that filibustering tactics were going to result in the loss of a crucial bill, reversed its previous precedents and decided that henceforth an affirmative decision would close all debate on the main question finally and completely. Nonetheless, despite the fact that the previous question was available for use as a cloture mechanism from 1811 on, the House did not make frequent use of it for several decades. One of the reasons for this was that the rule, not having been designed as a cloture rule, continued to retain or was interpreted to have features which made it both ineffective and unwieldy when used for the purpose of cloture. Indeed, it took the House another 50 years of intermittent tinkering to eliminate most of these debilitating features.

Mr. President, Dr. Cooper also described how the limitations on the scope of the motion "previous question" handicapped the possibility of its use as a cloture device. He stated:

For one thing, the previous question could not be moved in Committee of the Whole, a form of proceeding which both the early House and early Senate valued highly as a locus for completely free debate. Thus, when the House beginning in 1841 finally decided to limit debate in Committee of the Whole, it was forced to develop methods other than the previous question for accomplishing this result. However, the early Senate relied to a large extent, not on the regular Committee of the Whole, but on a special form of it called quasi-Committee of the Whole, i.e., the Senate as if in Committee of the Whole; and apparently it was possible to move the previous question when the Senate operated under this form of proceeding.

More important as a limitation on the scope of the previous question was its relation to secondary or subsidiary questions. At first, at least in the House, the previous question was treated as a mechanism that could

be moved on subsidiary or secondary questions, e.g., motions to amend, motions to postpone, etc., as well as a mechanism that could be moved on original or principal questions, e.g., that the bill be engrossed and read a third time, that the bill or resolution pass, etc. Thus, though this fact is often misunderstood, in the early House the main question contemplated by the motion for the previous question was sometimes a subsidiary question rather than the principal or original question. Whether the Senate permitted the previous question to be applied to secondary or subsidiary questions before 1800 is not clear. However, in that year Thomas Jefferson, as Presiding Officer of the Senate, ruled that the previous question could not be moved on a subsidiary question; and his manual, when it appeared, reaffirmed this position. The House followed suit in 1807, though as late as 1802 a ruling of the Speaker, concerned with the effect of a negative determination of the previous question, took no cognizance of the fact that the previous question had been moved on a subsidiary question, and allowed such usage to go by unchallenged.

The decision of the House to confine the previous question to principal questions created great difficulties for it, once it began to use the device as a cloture mechanism. Neither the rules of the House nor those of the Senate clearly gave the previous question precedence over other subsidiary questions, such as motions to postpone, commit, or amend. Thomas Jefferson's opinion was that subsidiary questions moved before the previous question should be decided prior to a vote on the previous question. However, such an approach became entirely unacceptable once it was desired to employ the previous question as a cloture mechanism. If subsidiary questions moved before the previous question took precedence over it, and if the previous question could be applied only to the original or principal question, then obstructionists could move subsidiary questions before the previous question, and could prolong for great lengths of time the debate on these questions. It was probably no accident that the House amended its rules, so as to give the previous question precedence over other subsidiary questions less than a year after it first used the previous question for cloture.

Nonetheless, this change did not transform the previous question into an efficient cloture mechanism. Beginning with the 12th Congress 1811 to 1813—rulings of the Speakers strictly enforced and further developed the doctrine that the previous question applied only to the original or principal question. This caused the House great inconvenience. It meant that if the previous question was approved, it cut off all pending subsidiary questions, and brought the House directly to a vote on the original or principal question. Thus, a vote might have to be taken on a form of the question undesired by the majority, namely, that is, that the bill without the amendments reported pass to a third reading, instead of that the bill with the amendments reported be recommitted with instructions. Thus also, when a subsidiary question was moved early in debate the House might either have to endure lengthy debate on the motion or employ the previous question, which would force a vote on the principal question before it had been adequately considered. Ultimately, of course, the House did reshape the previous question mechanism, so that it could efficiently be applied to the subsidiary questions involved in an issue. However, this reshaping occurred piecemeal over a number of years, in response to the difficulties we have described; and it was, in a sense dependent on them.

We may conclude, then, that in the period from 1789 to 1806, the previous question mechanism was designed to operate in a manner that was suited only to its utilization as an instrument for avoiding undesired debate and/or decisions. In the Senate and in the House until December of 1805, debate on the motion was permitted. In both bodies a negative determination of the previous question postponed or permanently suppressed the main question; and in the House, at least, debate and amendment were permitted after an affirmative decision. In the eyes of those who saw the previous question as a means of avoiding undesired decisions, this could easily be justified by assuming that the vote on the previous question only determined whether the body wanted to face the issue. Finally, the nature of the limits on the scope of the motion greatly handicapped its efficacy as a cloture mechanism. It is true that in the beginning the House, and possibly the Senate, allowed the previous question to be applied to subsidiary questions. It is also true that, once both bodies accepted the proposition that the device could not be so applied, this restriction could, and in the Senate actually did, handicap those who wanted to use the previous question as a mechanism for avoiding certain decisions. Still, as the experience of the House after 1811 demonstrates, the nature of the handicap was one which was much less a limit on the negative objective of suppressing a whole question than on the positive objective of forcing a whole question to a vote. In short, we may conclude that in both the early House and the early Senate not only was the purpose of the previous question conceived of as relating to the prevention of undesired debate and/or decisions; in addition, the device itself was clearly designed operationally to serve such ends, rather than the ends of cloture. In later years the previous question was turned into an efficient cloture mechanism in the House. But this required considerable tinkering—and, what is more, tinkering that resulted ultimately in a basic transformation of the operational nature of the mechanism.

Mr. President, there appear to have been 10 instances when the motion previous question came into play in the Senate between 1789 and 1806. Briefly, the circumstances in those 10 cases were these:

On August 17, 1789, a committee report on a House bill concerned with providing expenses for negotiating a treaty with the Creek Indians was taken up for consideration. The bill as referred from the House made no mention of measures to be taken to protect the people of Georgia in the event efforts for a treaty failed. After the resolution embodied in the committee report and a second resolution originating on the floor were moved and defeated, a third resolution which was moved, proposed to authorize the President to protect the citizens of Georgia, and to draw on the Treasury for defraying the expenses incurred. At this point in the proceedings the previous question was moved. A majority of "nays" prevailed, and the Senate adjourned. The next day, the bill was again brought up for consideration. After a number of motions pertaining to particular clauses in the bill were proposed and, save one, defeated, a resolution was moved making it the duty of Congress to provide for expenses incurred by the President in defense of the citizens of Georgia. At this point the previous question was again moved. It was defeated; and the bill, with the solitary amendment previously adopted, was then put to a vote, and was approved.

On August 28, 1789, during debate on a bill fixing the pay of Senators and Representatives, William Maclay offered an amendment which sought to reduce the pay of Senators from $6 to $5 per day. Maclay records in his Journal that his proposed amendment evoked a storm of abuse, and that Izard, a Senator from South Carolina, moved for the previous question. He further notes that Izard was replied to that this would not smother the motion, and that when it was learned that abuse and insult would not do, then followed entreaty. Maclay, however, remained undaunted. He knew that his amendment would be defeated; his object was simply to get a record vote on the amendment in the minutes. In this he was successful. The amendment was put to a vote and defeated, but the yeas and nays were recorded. The motion for the previous question was either not seconded or withdrawn since there is no mention of it in the Senate Journal. In this instance, as in the last two, it is clear that use of the previous question was attempted for the purpose of avoiding or suppressing an undesired decision. However, the reasons why the motion for the previous question was not persisted in are not clear. The critical factor to be resolved is whether the motion was killed voluntarily because it was undesired or forcibly because power was lacking to insist on it.

On January 12, 1792, consideration of the nomination of William Short to be Minister resident at The Hague was resumed. After a committee had reported certain information concerning Short's fitness to be appointed, a resolution was moved which stated that no Minister should at that time be sent to The Hague. The previous question was then moved in its negative form, that is, that the main question be not now put, despite the fact that the rules provided only for the positive form of the mechanism. At this point, however, the Senate decided that the nomination last mentioned and the subsequent motion thereon, be postponed to Monday next. On that day, January 16, 1792, the Senate resumed its consideration of the nomination and the resolution moved on the nomination. The previous question was put in negative form and carried with the help of a tie-breaking vote by the Vice President. This removed the resolution which would have prohibited sending a resident Minister to The Hague. The Senate then proceeded to the Short nomination and approved it.

On May 6, 1794, James Monroe, then a Senator from Virginia, asked the permission of the Senate to bring in a bill "providing, under certain limitations, for the suspension of the fourth article of the Treaty of Peace between the United States and Great Britain." The previous question in its normal, affirmative form was moved on Monroe's motion and it was approved by a vote of 12 to 7. The main question was then put and permission to bring in the bill was denied by a vote of 14 to 2. Monroe and John Taylor, his fellow Senator from Virginia, were the only Senators in favor.

Once more we may conclude that the previous question was moved in an attempt to avoid or suppress an undesired decision. This can be deduced from the fact that neither the proponents nor the opponents of Monroe's motion had any reason to attempt to obstruct decision by prolonging debate. This certainly was not in Monroe and Taylor's interest; they wanted a decision on the motion, preferably an affirmative one. As for the opponents, their numbers were such that they had no need to obstruct decision. The only Senators, then, who had a motive for moving the previous question were those seven Senators who voted against the previous question. For these men the previous question offered a means of suppressing a decision they wished to avoid.

Unfortunately, the Annals do not record the name of the Senator who moved the previous question. Nonetheless, convincing evidence exists to support our deduction that the previous question was moved by a Senator who voted "nay" on that motion. John C. Hamilton's account indicates that such a Senator, James Jackson, of Georgia, was the man who moved the previous question. He reports that Jackson made the following announcement to the Senate:

> I deem the proposition ill timed * * * I wish for peace, and am opposed to every harsh measure under the present circumstances. I will move the previous question.

Debate continued after this statement, presumably because Jackson held back on his motion to allow the other Senators to have their say. Undoubtedly, the reasons why Jackson considered Monroe's motion as "ill timed" related to the fact that only a few weeks before, John Jay had been appointed special envoy to Great Britain and was at that very moment making preparations to depart on his historic mission.

On April 9, 1798, after the Senate had gone into closed session, James Lloyd, a stanch Federalist Senator from Maryland, moved that the instructions to the envoys to the French Republic be printed for the use of the Senate. Six days previous, on the 3d, the President had submitted to Congress the instructions to and the dispatches from these envoys. Four days previous, on the 5th, the Senate had agreed to publish the dispatches for the use of the Senate. These papers were the famous ones in which Talleyrand's agents were identified as X, Y, and Z and the whole affair was seen by the Federalists as a great vindication and triumph for their party.

Lloyd first moved his motion on the 5th when the Senate agreed to publish 500 copies of the dispatches, but it was postponed on that day. When he moved it again on April 9, 1798, John Hunter, a Senator from South Carolina, moved the previous question. The motion for the previous question was approved by a vote of 15 to 11, with Hunter voting "nay." The main question, that is, that the instructions be printed, was also approved by a vote of 16 to 11, Hunter again voting "nay."

In this instance, once again, it is clear that the previous question was not used as a mechanism for cloture. Rather, it was brought forward as a means of avoiding or suppressing an undesired decision. This is attested to by the fact that the Senate was in closed session when the previous question was moved and by the fact that Hunter, the mover of the previous question, voted nay both on his own motion and on the main question. It is also supported by the fact that 10 of the 11 Senators who voted nay on the motion for the previous question also voted nay on the main question.

On February 18, 1799, President Adams proposed to the Senate that William Vans Murray be appointed Minister Plenipotentiary to the French Republic for the purpose of making another attempt to settle our differences with France by negotiation. This proposal caused dismay and consternation in the ranks of the Federalists. For one thing, Adams acted suddenly on the basis of confidential communications he had received from abroad without informing anyone in the Cabinet or the Senate as to his intentions. For another thing, a strong prowar faction existed among the Federalist Members of Congress and the party as a whole had been engaged in driving a number of war preparedness measures through Congress. Moreover, ever since the X Y Z affair the Federalists had been using the presumed wickedness and hostility of France as a weapon for humiliating and destroying the strength of the Jeffersonian Republicans. Lastly, a number of prominent Federalists distrusted Murray and thought him too weak.

The nomination of Murray was referred to a committee headed by Theodore Sedgwick, a Federalist Senator from Massachusetts. Meanwhile, pressure was brought to bear on Adams and he was threatened with a party revolt if he did not agree to modify his request for the appointment of Murray. The result was that on February 25, 1799, Adams sent a second message to the Senate asking that a commission, composed of Murray, Patrick Henry, and Oliver Ellsworth, be appointed in lieu of his original request. The next day, February 26, 1799, a resolution was moved and it passed in the affirmative. The effect of this decision was to bring about a vote on the resolution and it also was approved. The Senate then proceeded to consider the nominations of Murray, Henry, and Ellsworth to office and all three were approved on the following day.

In order to determine how the previous question was used in this instance we must consider the motives that seem to have prompted it. If the previous question was used for cloture, the Federalists would have been the ones to move it. However, there is no reason to believe that the Federalists were motivated to act in this manner. The Jeffersonians do not appear to have staged a filibuster on the resolution. In truth, this would have played into the hands of the war Federalists by giving them an excuse to refuse any kind of peace mission while throwing all blame on the Jeffersonians. Nor is there any reason to believe that the Federalists moved the previous question because they feared the consequences of a discussion on the resolution. The anti-Adams Federalists well realized that it was essential to unite on the commission idea as the only possible compromise under the circumstances and the problem of defection or embarrassment through debate was a slight one, if it existed at all.

In contrast, there are a number of reasons for believing that the Jeffersonians moved the previous question in an attempt to suppress the resolution. First, the Jeffersonians feared that the commission alternative might just be a subterfuge for torpedoing the negotiations. They much preferred the appointment of Murray alone. Second, tactically much was to be gained by confining the choice to simply approving or disapproving Murray. If he was approved, the Jeffersonians would have gotten exactly the kind of peace mission they desired; if he was disapproved, a party split in the ranks of the Federalists was likely and, what is more, the Federalists would stand before the public as a group of truculent warmongers.

Now it is true that the very reasons that would have led the Jeffersonians to attempt the previous question also helped to insure the defeat of the maneuver by solidifying the Federalists. Nonetheless, the Jeffersonians, not knowing exactly how united the Federalists were, could very well have thought the previous question worth a try. We may conclude, then, that in all probability this case was no different from the others we have considered.

On February 5, 1800, a bill for the relief of John Vaughn was brought up for its third reading. A motion was made to amend the preamble of the bill. On this motion the previous question was moved, but ruled out of order on the grounds that the mechanism could not be applied to an amendment. A motion was next made to postpone the question on the final passage of the bill until the coming Monday. This motion was defeated. Having disposed of the attempt to postpone, the majority then proceeded to vote down the amendment and approve the bill.

The purpose for which the previous question was used in this instance seems in no way to depart from the usual pattern. In this case the opponents of the amendment appear to have attempted to suppress it by applying the previous question. They failed in this but still succeeded in defeating the amendment in a direct vote.

The impeachment trial of Judge John Pickering of the New Hampshire district

court commenced on March 2, 1804. The Representatives selected by the House to manage the impeachment completed their case against Pickering on March 8, 1804. Two days later Samuel White, a Federalist Senator from Delaware, rose and offered a resolution which stated that the Senate was not at that time prepared to make a final decision on the Pickering impeachment. The resolution also stated a number of reasons in support of its contention: that Pickering had not been able to appear but could be brought to Washington at a later date; that Pickering had not been represented by counsel; and that evidence indicating that Pickering was insane had been introduced.

The Jeffersonian leadership in the Senate received this resolution with hostility. Their first reaction was to try to suppress it by having it declared out of order, but this maneuver failed. That the Jeffersonians would have preferred not to face the resolution directly is quite understandable since it advanced potent legal grounds for inducing the Senate to refuse to convict Pickering, that is, that the trial had not been impartial and that Pickering as an insane man could not legally be held responsible for his acts. However, the hostility of the Jeffersonians was based on more than the fact that the resolution endangered the success of the Pickering impeachment. By implication it also threatened the success of the upcoming impeachment of the hated Judge Chase. To lose the Pickering impeachment on the grounds stated in the White resolution would create a precedent which would deny the Senate broad, quasi-political discretion in impeachment and limit it to the determination of whether "high crimes and misdemeanors" in a quasi-criminal sense had actually been committed.

Unfortunately, the three accounts we have of Senate proceedings on March 10, 1804, differ significantly. One area of important difference concerns the exact order of events on this day. Both the Annals and the diary of William Plumer report that the previous question was moved by Senator Jackson, Republican, of Georgia, after Senator Nicholas, Republican, of Virginia, urged that the White resolution not be recorded, if defeated. Both these accounts report that Jackson's motion was followed by a statement by Senator White and by an amendment offered by Senator Anderson, Republican, of Tennessee, which proposed to strike out of the resolution all material relating to Pickering's insanity and lack of counsel. In addition, both of these accounts report that after the moving of the Anderson amendment the Senate proceeded to vote down the White resolution. Despite these similarities, an important difference does distinguish these two accounts. In the Plumer account Nicholas' statement, Jackson's motion, White's statement, and Anderson's motion are all made when the Senate is in closed session. In the Annals they are all made before the Senate is reported to have gone into closed session. We should also note that neither the Annals nor Plumer supply any further information regarding the previous question aside from the fact that it was moved. The Annals are similarly obscure with respect to the fate of Anderson's amendment, but Plumer records that this motion failed to secure a second which would explain why it was never brought to a vote.

Further complications are introduced when we add the report of events given in the diary of John Quincy Adams. Adams and Plumer were both Members of the Senate at this time. In the Adams account no mention is made of the previous question or of White's statement. Anderson's amendment is reported to have been moved when the Senate was in open session. Nicholas' remarks are reported as occurring later when the Senate was in closed session. In addition, in contrast to Plumer, Anderson's amendment is reported to have secured a second but to have been withdrawn when the Senate was in closed session.

A second important area of difference concerns the nature of the rules governing the Senate during the Pickering impeachment. According to Adams, the rules restricted debate to closed session and required all decisions to be taken in open session by a yea and nay vote. Thus, he reports that when the Senate was in closed session on the White resolution the Jeffersonians were very impatient to return to open session so as to end debate and bring the resolution to a vote. Adams further explains that the reason Anderson withdrew his amendment was to end debate on it in order that the time the Senate was in closed session need not be prolonged.

The Annals and Plumer's diary do not directly contradict Adams' interpretation of the rules. Indeed, on the whole, the record of events in these accounts does not depart from Adams' rendition of what the rules required. However, on occasion they do present examples of action which suggest either that the Senate did not necessarily follow its own rules or that Adams' interpretation is not entirely correct. In the Plumer account of events on March 5, 1804, the Senate is reported to have voted on two motions when it was still in closed session. In the Annals' account of events on March 10, 1804, and Plumer's account of events on March 9, 1804, the Senate is reported to have entered into debate when it was in open session.

Merely moving the previous question would not and could not have ended debate and forced the Senate to return to open session. As long as the previous question was not voted on and determined affirmatively, the only way debate could be cut off and a vote on the White resolution forced would have been by passing a motion to open the doors. It is true that, if the motion for the previous question received a second, it would have cut off debate on the main question, namely, on the White resolution. But debate could have and undoubtedly would have continued on the motion for the previous question itself. The Federalists would have objected strenuously to any Republican maneuver designed to avoid the necessity of directly facing the embarrassing issues contained in the White resolution. Given the fact that the previous question was moved after the White resolution had already been subject to discussion, we may conclude that, instead of serving to end debate, the motion for the previous question threatened to prolong it.

Second, both the Annals and Plumer record that Anderson's amendment was moved after the previous question while the Senate was still in closed session. This indicates that the previous question either failed to secure a second or was withdrawn soon after it was moved. Otherwise, an amendment of the main question would not have been in order. Thus, it cannot be argued that the Senate returned to open session to vote on the motion for the previous question, since the motion itself seems to have been killed while the Senate was still in closed session. The fact that Adams does not even mention the previous question in his account supports our contention that the previous question was killed before it could play a significant role in the events of the day. Given the care with which Adams' documents each and every Jeffersonian move to avoid facing or discussing the White resolution, it is highly unlikely that he would have failed to mention the previous question if it had been used as Brant and Douglas suggest.

The events of March 10, 1804, merely furnish another illustration of the use of the previous question for the purpose of suppressing an undesired discussion and/or decision? The answer is "Yes." We may note that on March 5, 1804, Jackson spoke and voted against allowing evidence bearing on Pickering's sanity to be introduced. We may note that on March 10, 1804, when the Senate returned to open session, he voted against the White resolution which listed insanity as a ground for not voting to convict Pickering. We may also note that Jackson moved the previous question immediately after Nicholas urged that the resolution not be recorded, if defeated. It is probable, therefore, that Jackson moved the previous question for the purpose of suppressing the White resolution rather than for the purpose of forcing a vote on it. If cloture were his aim, and such an aim only would have been feasible if debate was in fact prohibited in open session, either that end could have been achieved more easily by simply moving to return to open session, or alternatively, if the Senate was already in open session, there would have been no reason not to press the previous question to its ultimate conclusion.

Why, then, would the previous question have been refused a second or withdrawn? The answer is that under the circumstances which existed, the best way to get rid of the White resolution and clear the way for a vote on the impeachment was to face the resolution directly. The timing and the substance of Nicholas' words indicate that the Senate was just about ready to proceed to a vote on the White resolution. To introduce the previous question at such a point would be to complicate and prolong the proceedings. This is true whether or not the Senate could have actually voted on the previous question in closed session. In either event debate on the motion would still have been

possible. It is also true whether the previous question was moved in open or closed session. Both the Annals and Plumer indicate that debate took place immediately before and after the previous question was moved. This means that, if the previous question was moved in open session, debate was possible in open as well as closed session.

Thus, the reasons Adams suggests for the killing of Anderson's amendment probably apply to the previous question as well. The Jeffersonians desired to get rid of the White resolution and push on to a vote on the impeachment as fast as possible. They knew they had the votes to defeat the resolution. Moreover, though they might have preferred to suppress or amend the resolution, they also knew that they could not really save themselves from embarrassment by adopting either alternative. That Pickering had not appeared, that he had not been represented by counsel, and that evidence had been introduced indicating that he was insane were part of the record of the trial. Hence, it is not surprising that the Republicans elected to face the White resolution without delay. This was the course that promised the swiftest and surest attainment of their basic objective—the conviction of Pickering.

On December 24, 1804, the Senate resumed consideration of a set of rules proposed to govern the Senate during the Chase impeachment. These rules had been recommended by a select committee whose chairman was William Giles, a Virginia Republican who led the anti-Chase forces in the Senate. Four days earlier, when the Senate was involved in a discussion of these rules, Stephen Bradley, an independent Republican from Vermont, had moved an amendment to one of the rules proposed by the Giles committee. Bradley, however, was ill on the 24th and was not present in the Chamber. John Quincy Adams reports in his diary that he therefore moved that the whole subject be postponed until Bradley could attend. This bid for postponement of consideration was defeated. Adams relates that "Giles then offered to postpone or put the previous question upon Mr. Bradley's amendment; but this the Vice President declared to be not in order." Following Burr's ruling, the Senate proceeded to vote down the amendment and before the day was ended it agreed to adopt all or most of the rules recommended by the Giles committee, including the rule on which Bradley's amendment had been moved.

The case presents another instance in which the previous question was attempted to suppress an undesired decision. Giles' intention was obviously to remove the amendment either through postponement or through the previous question as a preliminary to voting to adopt the rule. The practical effect of this would have been to kill the amendment, even though technically neither postponement nor the previous question would have permanently suppressed the amendment.

Mr. President, the motion "previous question," as it was included in the Rules of the Senate between 1789 and 1806 is no precedent for cloture in the Senate. It was not then understood as a cloture mechanism, it was not designed to operate as a cloture mechanism and in practice, it was not used as a cloture mechanism.

An explanation, or comment, on "the previous question" in Robert's Rules of Order is also illuminating on this subject. The passage to which I refer appears on page 117 of "Robert's Rules of Order, Revised," 75th anniversary edition, as follows:

Note on the previous question: Much of the confusion heretofore existing in regard to the previous question has arisen from the great changes which this motion has undergone. As originally designed, and at present used in the English Parliament, the previous question was not intended to suppress debate, but to suppress the main question, and therefore, in England, it is always moved by the enemies of the measure, who then vote in the negative. It was first used in 1604, and was intended to be applied only to delicate questions; it was put in this form, "shall the main question be put?" and being negatived, the main question was dismissed for that session. Its form was afterward changed to this, which is used at present, "Shall the main question be now put?" and if negatived the question was dismissed, at first only until after the ensuing debate was over, but now, for that day. The motion for the previous question could be debated; when once put to vote, whether decided affirmatively or negatively, it prevented any discussion of the main question, for, if decided affirmatively, the main question was immediately put, and if decided negatively (that is, that the main question be not now put), it was dismissed for the day.

Our Congress has gradually changed the English previous question into an entirely different motion, so that, while in England, the mover of the previous question votes against it, in this country he votes for it. At first the previous question was debatable; if adopted it cut off all motions except the main question, which was immediately put to vote; and if rejected the main question was dismissed for that day as in England. Congress, in 1805, made it undebatable. In 1840 the rule was changed so as not to cut off amendments but to bring the House to a vote first upon pending amendments, and then upon the main question. In 1848 its effect was changed again so as to bring the House to a vote upon the motion to commit if it had been made, then upon amendments reported by a committee, if any, then upon pending amendments, and finally upon the main question. In 1860 Congress decided that the only effect of the previous question, if the motion to postpone were pending, should be to bring the House to a direct vote on the postponement, thus preventing the previous question from cutting off any pending motion. In 1860 the rule was modified also so as to allow it to be applied, if so specified, to an amendment or to an amendment of an amendment, without affecting anything else, and so that if the previous question were lost the debate would be resumed. In 1880 the rule was further changed so as to allow it to be applied to single motions, or to a series of motions, the motions to which it is to apply being specified in the demand; and 30 minutes' debate, equally divided between the friends and the enemies of the proposition, was allowed after the previous question had been ordered, if there had been no debate previously. In 1890 the 30 minutes' debate was changed to 40 minutes. The previous question now is simply a motion to close debate and proceed to voting on the immediately pending question and such other pending questions as it has been ordered upon.

From this discussion it should be clear that between 1789 and 1806 "the previous question" used in the Senate was not intended to suppress debate, but to suppress the main question, and, therefore, to avoid a vote on a particular piece of legislation.

In 1816, the House of Representatives debated the issue of free debate. They adopted a strict cloture by a perversion of the meaning of "the previous question."

Mr. Gaston, speaking in favor of free debate, pointed out that the original purpose of "the previous question" was to postpone one subject in order to take up another. In other words, it was simply a demand that the House should first announce whether it was then expedient to decide the question under debate or to turn temporarily to other business.

The Continental Congress had followed this procedure and had made proper use of "the previous question."

Over the years after the first Congress, there were attempts to pervert the meaning of "the previous question." That was the reason for the debate in 1816. Mr. Gaston pointed out at that time that the House, in attempting to change the historic and true meaning of "the previous question," was abandoning its true principles.

On this particular question the elder Senator Henry Cabot Lodge said in 1893:

There never has been in the Senate any rule which enabled the majority to close debate or compel a vote. "The previous question," which existed in the earliest years and was abandoned in 1806, was "the previous question" of England, and not that with which everyone is familiar today in our House of Representatives. It was not in practice a form of cloture, and it is, therefore, correct to say that the power of closing debate in the modern sense has never existed in the Senate.

Through the years the Senate has debated the pros and cons of unlimited debate, but it remains a fact that for 125 years, from 1789 to 1917, the Senate had no cloture rule at all. During that time the parade of great men to the Senate continued, and most of them were firm advocates of free debate. Since 1917, we have had a two-thirds requirement for cloture in one form or another.

In the interest of objectivity, let us compare rule XXII with rule XXIX, "the Previous Question," of Robert's Rules of Order.

From 1949 until 1959, rule XXII required a two-thirds vote of all Senators to end debate. A parliamentary body acting under Robert's Rules of Order can end debate and force a vote on the pending question by passing a motion of the previous question by a two-thirds majority of those present and voting. Even under Robert's Rules of Order a majority vote, even with notice, cannot end debate.

The difference, in practical effect, was not overly large. For example, had the limitation of debate in the Senate always been governed by "the Previous Question" in the present Robert's Rules of Order, no result on previous efforts to invoke cloture would have been different from the result under the rules as

they have existed. Had the 1949–59 rule XXII of the Senate always controlled the limitation of debate, only in one instance would the result on cloture attempts have been changed. The particular instance to which I refer was a cloture vote which prevailed in 1927 under a rule requiring two-thirds of those present and voting to end debate.

The destruction between the 1949–59 rule XXII and Robert's previous question, though slight in practical effect, is not without a strong basis in reason. Robert's Rules of Order was designed for the general use of societies, which, not being governmental bodies, have no authority to compel attendance of delegates. Robert's rules, therefore, recognizes the impracticality of making the actions of those bodies for whom his rules were designed contingent on membership. Robert used the most practical basis for his purposes for protecting the rights of minorities in societies generally.

The U.S. Senate, to understate the matter, occupies a position greatly different from the general societies for which Robert's Rules was designed. Its membership is under oath to support the Constitution and well and faithfully to discharge the duties of their offices. Surely a presumption by the rules of regular attendance is not unduly harsh. If it be too harsh, why has there been no attack on the provision of rule V which authorizes the Sergeant at Arms to compel the attendance of absent Senators?

Mr. President, our Nation was established in a form which relies quite heavily on the principle of federalism. One of the principal facets of federalism incorporated into the Constitution is the equal representation of the several States in the U.S. Senate.

Mr. STENNIS. Mr. President, before the Senator from South Carolina moves to another subject in his fine speech, will he yield for a question?

Mr. THURMOND. I am pleased to yield to the able and distinguished Senator from Mississippi.

Mr. STENNIS. I commend the Senator from South Carolina for having given us some excellent historic background of the many important rules of the Senate.

Mr. THURMOND. I thank the Senator.

Mr. STENNIS. Before the Senator moves to his new subject, I should like to discuss an old principle of government, the principle of checks and balances, which is so admirably set up in the Constitution and has been followed so well during most of the history of our Government—the system of the legislative, the executive, and the judicial branches. Without going into details, does not the Senator from South Carolina think that rule XXII in its present form is not only a major part, but also an essential part of the system of checks and balances, especially in these modern times?

Mr. THURMOND. The Senator from South Carolina would certainly answer in the affirmative. The Senator from Mississippi touches upon a very sensitive point in our Government when he speaks about checks and balances. Under the two-thirds rule, we have a check on hasty legislation, even in our own branch of Government.

The House does not have debate to any extent. Members of the House vote various questions up or down. The country does not get the benefit of a debate by the House on the issues. It does not get the benefit of a debate by the House on the various facets of a question. The country does not obtain from the House the thoughts and ideas which it receives from Members of the Senate. Senators are not handicapped by being prevented from discussing questions, as are Members of the House. The Senator from Mississippi is eminently correct.

Mr. STENNIS. The Senator from South Carolina has mentioned the House. The House operates under rules which limit debate.

Mr. THURMOND. Yes, because of the large membership of the House.

Mr. STENNIS. The House must have rules to limit or shut off debate; but it is the general practice in the House, so far as debate is concerned, to have bills reported by the Committee on Rules with a limited amount of time for debate on each side, and sometimes no amendments are allowed. Is not that true?

Mr. THURMOND. That is correct.

Mr. STENNIS. If no amendments are allowed, that means that the bill goes to the floor with 2 hours or 5 hours of debate, or whatever number of hours of debate on each side is agreed to; and then, as the Senator has said, the House votes the bill up or down, and that is it.

In the Senate, amendments are always allowed, and rule XXII protects any group and brings the debate into the open. Ideas which have developed since the bill left the House also have a bearing on the debate, do they not?

Mr. THURMOND. That is correct.

Mr. STENNIS. Although the House performs a highly important function in the passage of legislation and is an essential part of the legislative branch, does not the Senator think that in the Senate it is an essential part of sound legislation to have unlimited debate?

Mr. THURMOND. The Senator from South Carolina believes it is a very important part of the legislative process, under our republican form of government, a government which has given the people of this country the highest standard of living ever known.

Mr. STENNIS. The argument has been made in recent days that, after all, times have changed, and decisions must be made rapidly; that there is no time to defer action on legislation. It is said that the idea of checks and balances is out of style and is no longer necessary. But does not the Senator think that the system of checks and balances is more important now, in days of $99 billion budgets and considering the rapidity with which legislation now moves? Does not the Senator think that a system of checks and balances is still in order, and perhaps more in order than ever before?

Mr. THURMOND. The Senator from South Carolina agrees with the statement of the Senator from Mississippi. I feel that there are greater assaults today on our form of government than have ever before occurred in the history of the Nation. If we weaken the rules of the Senate in any way, we will prevent the people of the Nation from being able to grasp the issues that the Senate is considering. We shall be doing a great disservice to the country.

Mr. STENNIS. The Senator from South Carolina has been a Member of this body for several years. Can he recall any major legislation that has come to a vote in the last 7 or 8 years, with the exception of the literacy test bill last year, which did not secure even a majority vote for cloture, as to which a vote could not be obtained at all?

Mr. THURMOND. This is the 9th year during which the Senator from South Carolina has been a Member of the Senate. He cannot recall any measure of importance which has been stifled because of the cloture rule. In fact, the Senate now has the power to apply cloture if there is enough sentiment for it.

Last year the Senator from South Carolina was a member of the Committee on Commerce, as he is again this year. That committee wrote what was known as the administration's communications satellite bill. All the members of the committee thought it was a very vital piece of proposed legislation, one which affected the security of the Nation.

When that measure was reported to the Senate, a determined effort was made by a few Senators to prevent the passage of the bill. The Senate heard debate, day after day, week after week; but when the Senate felt that the debate had continued long enough to present the issue to the people of the country, and that those who were opposed to it had had a full and ample opportunity to expound their position, the Senate voted to apply cloture.

So under the present rules, the Senate demonstrated only last year that cloture can be applied to a piece of proposed legislation if it feels that the measure is of sufficient importance, after reasonable debate has been held.

Mr. STENNIS. On the other hand, the Senator from South Carolina gave a perfect illustration of the application of the rule in the affirmative.

The Senator from South Carolina will recall that last year, when we had before us the literacy test bill on voting qualifications, on the two votes by which the imposition of cloture was sought, the proponents did not obtain a majority, much less two-thirds. The failure to get a majority shows, does it not, that the fault was in the bill, rather than in rule XXII?

Mr. THURMOND. The Senator from Mississippi is eminently correct. The defect lay in the bill; and the Members of the Senate so specified, and labeled it as such, when they voted as they did.

Sometimes the majority may feel inclined to rush headlong into the passage of a measure, whereas if it is debated fully, information which will be developed will be convincing to the people of the Nation and to the Members of the

Senate that such a measure is unwise—just as the Senate evidently felt that the measure to which the Senator from Mississippi has referred was an undesirable one, with the result that the sentiment which developed among the Members of the Senate was such that it was obvious that they believed the bill should not be passed.

The only way in which a measure can be brought to the attention of the people of the country and the Members of the Senate is through full and free debate; and certainly that should be preserved, rather than be weakened one iota. In fact, I even wish the rule required the affirmative votes of two-thirds of the entire membership of the Senate, rather than of two-thirds of the Senators present and voting, because unless a bill is strongly supported by public opinion, in the long run it will not prove to be desirable. As Abraham Lincoln said, with public opinion, everything can be accomplished; without public opinion, nothing can be accomplished. Desirable legislation must have back of it strong public opinion—more than just a majority. The rules of the Senate and the Constitution itself were not written to protect majorities; they were written to protect minorities.

Those who give ample thought to matters which are brought before them frequently revise their thinking about them—as they should, for frequently it is found that when a matter is first brought up, a certain notion about it prevails; but after the full truth about it is obtained, opinion is often revised and an effort is made to arrive at a conclusion which is regarded as basically sound, for the benefit of the country.

Mr. STENNIS. I thank the Senator from South Carolina.

If he will yield further, let me state that much has been said about the right of new Senators to participate in the adoption of new rules. I ask the Senator from South Carolina whether he knows of any other place—whether in this Government or in any other—in which a new member receives as much consideration and has as much power as a new Member of the Senate receives and has under the rules of the Senate, beginning with the time when he is sworn in. In that respect, does the Senator from South Carolina know of any other place comparable to the Senate?

Mr. THURMOND. I do not know of any other organization—whether private, semi-governmental, or governmental—in which a member has as many rights and as much power and influence as does a Member of the U.S. Senate. It is my judgment that the new Senators would wish to follow the rules which have been applicable to the Senate for many, many years, and would not wish to have changes made the moment they become Members of this body. I believe that, instead, they would wish to proceed—certainly, at first—under the rules which the Senate had, during the past, found to be practical, workable, enforceable and effective. Instead of wishing immediately to overturn the precedents, traditions, and existing rules of the Senate, it seems to me a new Senator would wish to give ample thought to such matters and give the existing rules of the Senate an opportunity to operate. After a new Senator has served a reasonable length of time, if he then wishes to propose changes in the rules, that can be done; and the rules can be changed at any time if the Senate wishes to change them. They can be changed by majority vote, if the Senate wishes to do so.

Mr. STENNIS. Is it not true that under the present rule XXII, a new Senator has far more prerogatives and a better chance to debate and to offer amendments and to force the Senate to consider them, than he would under the proposed change?

Mr. THURMOND. That is correct, because if the rule were to be changed, both the new Senators and the old Senators could be taken off their feet much more easily than they can be now.

Mr. STENNIS. Under the present rule, any Senator has a very fine chance indeed, does he not, to have a yea-and-nay vote taken on any reasonable number of amendments which he may choose to offer to any bill? If 20 percent of the Senators present do not join him in requesting the yeas and nays, such a Senator can speak to an extent which might be inconvenient to the leadership, and in that way can obtain an order for the yeas and nays; is not that true?

Mr. THURMOND. By continued debate, such a Senator might convince other Senators that there was merit in his cause, whereas if a majority, or even 60 percent, could cut off debate, such a Senator would not have his full opportunity to bring his case before the Senate.

Mr. STENNIS. Mr. President, will the Senator from South Carolina yield further to me?

The PRESIDING OFFICER (Mr. BAYH in the chair). Does the Senator from South Carolina yield further to the Senator from Mississippi?

Mr. THURMOND. I yield.

Mr. STENNIS. Would not the rule now proposed decrease the power of each Senator?

Mr. THURMOND. That is absolutely correct.

Mr. STENNIS. Is there any way by which the power of the Senator from South Carolina could be decreased without at the same time decreasing the power of South Carolina?

Mr. THURMOND. I know of no way in which one could be decreased without decreasing the other. If the power of one were decreased, the power of the other would be bound to be decreased; there would be no escape from it. If the power of a Senator were decreased or weakened, the power of his State in this body, the so-called greatest deliberative body in the world, would thereby be decreased or weakened.

Mr. STENNIS. I agree with the Senator from South Carolina, and I thank him. He has been most helpful.

Mr. THURMOND. I thank the Senator from Mississippi for the questions he has propounded and for the information which has been brought out.

Mr. President, our Nation was established by means of a Constitution which relies quite heavily on the principle of federalism; and one of the most important provisions, insofar as the Senate is concerned, is its rule which provides for free and unlimited debate.

While not incorporated into the Constitution, the practice of permitting unlimited debate in the Senate until 1917 strengthened immeasurably the concept of federalism in the practical operation of our Government. In many ways, including the various cloture rules which have prevailed in the Senate since 1917, the concept of federalism has been weakened, and our country hampered thereby.

The concept of federalism and its historical development are not, I am afraid, fully understood and appreciated; and I feel that a review of some of the facets of this concept would be helpful to a decision on the pending question.

There is nothing particularly meritorious in a constitution per se. A constitution has potentialities for providing at least two of the most desirable ingredients of a government—stability and political principles. Some constitutions provide practically none of either—as for example, the various Soviet constitutions, which are apparently changed at the whim of the Central Committee of the Communist Party and which are absolutely devoid of underlying principles. Khrushchev indicated within the last few days that a new one is even now being drafted.

The Constitution of the United States is a document to which we should and must adhere, not merely because it is dignified by the high sounding name of "constitution," not even because of its relatively ancient vintage. In the first place, our Constitution provides stability. It is difficult to change by the prescribed methods, and has thereby proved largely impervious to emotional fads and the glib sales pitches for political expedients.

The quality of stability, alone, however, could never inspire men to fervently swear to defend a document from all enemies, foreign and domestic. And even stability, itself, could not derive in permanence from a relatively slow and intentionally difficult method of amendment. Something deeper is responsible for the deference which is the due of the Constitution of the United States. The something more in the Constitution of the United States is its reflection of sound and timeless principles.

The framers of the Constitution labored in conscious or subconscious awareness that government, while necessary, constituted a principal source of danger to individual liberty. The purpose of the Constitution is to provide a government with sufficient power to maintain order, commercial intercourse and common defense, but so limited and arranged as to constitute a minimum possibility of its use to infringe on individual liberty. This purpose precluded resort to Rousseau's pure democracy, on the one hand, and any major concentration of power on the other.

In seeking and finding the proper balance, the Constitution drew primarily on three concepts—republican form, the doctrine of separation of powers, and federalism—although not in equal quantities nor with equal consistency. When I speak of republican form or republi-

canism, I refer not to any political party but to a Republic, that type government in which the people govern themselves through election of persons to represent them.

In the shaping of this new Government the principles of republicanism were heavily relied on, although not consistently adhered to; for there is little, if anything, that smacks of republicanism in the judicial branch of the general Government. Had the constitutional scheme relied solely on republicanism, the experiment in government would have been doomed to failure. The Constitution fairly shouts that republicanism is essential; but it alone is not sufficient to insure the preservation of individual liberty. Governments which are just republican in form are most susceptible of conversion at the hand of tyrants into instruments of despotism. As one impediment to such conversions, the powers of the National Government were separated according to their nature; and an elaborate system of checks and balances was devised to preserve the separation. Both the principles of republicanism and the implemented doctrine of separation of powers contributed most substantially to the dual objective of maintaining individual liberty and providing orderly government, but in neither, nor in the combination of them alone, lies the secret that distinguishes our great constitutional system from the mediocre. While it must be acknowledged that the constitutional blend of republican principles with the doctrine of separation of powers results in a near perfect superstructure of government, it is not on the superstructure that the strength and duration of the government depend, but on the foundation. The foundation of the constitutional system is federalism.

Federalism, as the foundation of our constitutional governmental system, cannot be numbered among the contributions of the delegates to the Philadelphia Convention, although with a few possible exceptions, the delegates both understood and endorsed the virtues of federalism. Indeed, when the Convention met, it was predetermined by history that whatever governmental system, if any at all, might be designed, be precluded from any foundation other than federalism. The constitutional concept that the maximum safeguards consistent with orderly government be imposed against the concentration of power in the hands of any individual or group was thereby dictated in advance to the delegates at Philadelphia, so that it remained only for them to construct a superstructure of government which fitted the foundation and conformed to the concept. The plan they devised was a masterly one, inconsistencies and contradictions so widely cited by critics of the Constitution to the contrary notwithstanding; for the inconsistencies and contradictions lie in the application of republican principles, as illustrated by the absence thereof from the judicial branch of the National Government; and in the application of the doctrine of separation of powers, as is illustrated by the Executive's power of veto over legislative acts. The deviations from the principle of republicanism and from the doctrine of separation of powers were made to achieve consistency with the even more important constitutional concept which has its roots in federalism.

Those who assembled at the Constitutional Convention in 1787 were not empowered as representatives of the population of European derivation on the American continent east of the Mississippi, north of Florida, and south of Canada, but as representatives of 13 separate States or nations at that time allied for specific purposes. The votes in the Convention were, therefore, by States, each having an equal voice in the deliberations, without any distinction as to the size or population of a particular State.

The proposed constitution agreed on by the delegates was submitted not to the people as a whole, but to the several States; and by its very terms it could not be ratified by the affirmation of a majority—not even a large majority—of the population of the combined United States, but only by 9 of the 13 States; and even when so ratified and adopted, it still applied only to those States which adopted it. Complete sovereignty lay with the people of any given State, and it was not within the legal power of the people of the other States, or all of them combined, to impose a political will from outside the State. The people of each State were sovereign.

Each of the Thirteen Colonies was a political entity. Although each, as a colony, acknowledged the dominance of England, all attempts to eradicate distinctions between the separate colonies were repulsed. New England refused to be governed by England as New England, even while each colony in New England was still willing to be governed by England as an individual colony.

Even in the midst of a common cause—the war with England for independence—the colonies maintained their distinct and separate identity. The Declaration of Independence presented to England and to the world a united front, not as a people united—however much so they may have been—but as 13 States, united in purpose. By that instrument it was declared, not that the people of America are and ought to be free and independent, but that colonies are and "ought to be free and independent States." The Revolution sought to establish 13 free countries, not 1, and it succeeded. Under the Articles of Confederation the States preserved the separate status of each with the express provision "each State retains its sovereignty," except to the extent that the Congress of States was authorized to act for them in certain specific matters. Although associated as colonies by geography, allied in a common cause against England, and federated under the Articles of Confederation in the early days of their independence, the Thirteen Colonies became 13 nations and so remained when the Constitutional Convention met in 1787.

Nothing better illustrates the complete sovereignty of the several States than the history and manner of the ratification of the Constitution. The final clause of the Constitution provided:

> The ratification of the Convention of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

On June 21, 1788, the United States came into being, upon ratification of the Constitution by New Hampshire, the ninth State to do so. On the eastern seaboard there were then the United States, comprised of nine States, and four other independent nations, for a total of five. Of the other States, most ratified the Constitution and joined the United States shortly thereafter. None was compelled to do so. They could have remained separate and apart. Rhode Island did remain a separate nation for almost 2 years, despite former alliances and common causes with the others, and when Rhode Island did join the Union on May 29, 1790, it was by a two-vote margin of the convention of that State and not from any external compulsion.

Federalism in America was a byproduct of the English colonial order, rather than the brain child of political theorists. Had the pattern of settlement developed all along the seaboard in one expansive colony and, therefore, been administered as one political entity, it is problematical whether federalism would have been incorporated into our political structure. Even in the settlement of English America, it was diversity of interests and purposes that dictated the plurality of colonies, rather than the other way around. In Virginia, profit was the prime motive for the settlement efforts. In New England, religious freedom was the prime motive; while in Georgia, humanitarianism, in the form of providing a new life for unfortunates in debtor's prison, mixed with a desire for protection of the other colonies from the Spaniards, were the motivating forces.

These diversities were magnified, rather than diminished, under the influence of differences in geography and climate, after the colonies achieved a foothold. The political structure of each colony developed in accordance with the needs of the particular colony, and the differences were carried over into the State governments when the colonies became free. This political accommodation of diverse interests and purposes was the key to the success of the English colonial system, and the benefits of it were not lost on the politically sophisticated Americans of the Revolutionary period.

The emergence of federalism as a byproduct of historical occurrences, rather than as a design institution to achieve a political end, does not detract from its potential as a worthy political device, but, indeed, accentuates its usefulness. In the absence of federalism, successful republican government is limited to areas in which there is substantial identity of geographical, climatical, and historical influences, for republicanism places the ultimate rule in the hands of some majority to the modified and limited dictates of which the minorities

must conform. By the use of federalism, the need to require minorities to conform is minimized, thereby promoting individualism, and in individualism lies the seed of diversity.

One but need look to Europe for examples of the limited possibilities of republicanism without federalism. Republics in small geographic confines exhibit the greatest stability, as exemplified by Switzerland, the Netherlands, Belgium, and the Scandinavian countries. The French Republic, applied to a larger area and more diverse peoples, fluctuates between instability and absolutism, each occurring in turn as a reaction to the other. The British Empire, employing federalism in the form of dominionship and commonwealth devices, presents a graphic illustration of the possibilities of federalism grafted on colonialism.

If republicanism is the process for implementing self-government, federalism is the process for implementing local self-government. Local self-government is beneficial not only because its permits individualism, but also because of its contributions to the continuation of self-government at all levels. It is human nature for a person to be most apathetic about situations over which his individual conduct has the least influence. A citizen is, therefore, less motivated to exert himself in matters of government in which his activity plays a smaller relative part. The same citizen is much more inclined to direct his influence to the solution of a local matter where his activity shows the most direct result. In the local political arena, where there is a local political arena, the citizen acquired the experience and sophistication with which to exercise his obligations of citizenship in relation to the furthest removed level of government.

It is in local self-government, a product of federalism, that the real secret of domestic tranquillity lies. In no other way can the variances of human conduct be reasonably bounded, for requiring conformity over broad areas will inevitably lead to civil strife. For instance, a prohibition of gambling over the entire United States would conform to the will of the majority, in all probability, but there is a strong likelihood that it would promote civil strife in some areas, such as Neveda. Strict nationwide regulation of fishing might be only an inconvenience to recreation in some areas of the country, but would possibly impair the earning of a livelihood in others. A change in the legal relationship of an inn or hotelkeeper and the guests would have a limited impact in the rural Midwest, but might change the pattern of economic existence in some resort States. Through the medium of local self-government, the laws can be adapted to whatever conditions exist, thus keeping civil strife at a minimum.

Although circumstances dictated that the Government of the United States be Federal, it remained for the delegates to the Philadelphia Convention to shape the form of the federation. So ineffectual was the central government under the Articles of Confederation, that for all practical purposes the several States, at the time of the Convention, each exercised the total powers of sovereignty. Sovereignty was vested in the people of each State, and the people of the individual States had vested the power of sovereignty in their particular State. Through the Constitution, the several States delegated certain specific ones of the powers of sovereignty to the National Government. This creation of a common agent of the States in no way affected the retention of sovereignty by the people of each State, for sovereignty is indivisible, and the creation of the general government could not make the people of all the States collectively sovereign in some matters, and leave the people of one State sovereign in others. It was the power of sovereignty, and not sovereignty itself, that was delegated to the National Government; and the delegation of powers was made by each State—a sort of subleasing—and was not a delegation by the people of the several States collectively. The ratification of the Constitution did not accomplish a withdrawal of powers from each State by its own people and a revesting of those powers in a new government. Two facts are therefore explicit in our constitutional government. First, the National Government was and is a creation of the States, and as such is an agent of the States. Second, sovereignty in our country rests totally in the people of any individual State, rather than in the people of the United States collectively.

The National Government holds the right to exercise the specific powers delegated to it, not by virtue of any power of sovereignty vested directly from a people; but by virtue of a contract between the States. The specific powers delegated cannot be withdrawn by an individual State because of the agreement with the other States embodied in the Constitution. The contract can be changed only by the contracting parties—the States; and by agreement, most features of the contract can be changed with the consent of less than all the States. Nothing illustrates better and more emphatically that the National Government is a creation of the States, rather than of the people, than the fact that the Constitution can be amended by the States through their legislatures, and not by the people themselves. The equal representation of the States in the Senate is not, of course, subject to the amendment process; and any change in this feature would require unanimous consent of the States, and, indeed, any change without unanimous consent would have the effect of dissolving the Union.

As complicated as these relations may seem to the contemporary citizen of the United States, they were elementary to the citizens at the time of the Constitution's adoption. Indeed, they were so fundamental in the minds of the delegates to the Constitutional Convention that they saw no need to specifically spell out all of them. By the mere delegation of certain specific powers to the National Government, the delegates considered it implicit in the whole document that those powers not delegated remained where they had been theretofore. To the people of their era, it was abundantly clear that the National Government was intended to exercise only those powers delegated, but it is most fortunate for those in later generations that many insisted that the matter not be left to conjecture. Perhaps these wise persons anticipated the tremendous upsurge of apathy that was to occur in later generations. The inclusion of the 10th amendment removed any doubt as to the nature of the powers of the National Government, and the relationship of the National Government to the States and to the people. The 10th amendment provides:

> 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.

The 10th amendment did more than spell out that the National Government was to be one of limited powers, although it accomplishes that purpose. It also provides an insight into the relation of the States to the National Government and of the National Government to the people of each State. The powers not delegated were not reserved to the States collectively, but to each individually. The retained powers of sovereignty of each State were not in any way compromised by the Constitution. There was no pledge to achieve uniformity, nor even to strive for it, in the administration of the reserved powers. There was not even a pledge of the States to exercise all of the reserved powers in any way at all. The States, individually, had received their grant of sovereign powers from the people of the States through the State constitution, some States receiving more, and some less, powers. In each instance, the people reserved the right to themselves to modify or change the powers granted to the State, and the 10th amendment recognized this fact by the verbiage "or to the people." The reservation of power was not to the people of the entire country, but to those in each State. The people in the territories were people of the country, but not being within a particular State, were not among the group who had granted power to a State in the original instance, and were not, therefore, among those to whom powers were reserved.

The Constitution did not create the General Government as a supreme one, but as one parallel to the State governments. It is a fallacy to assume that with regard to the delegated powers, the right of the National Government to regulate is exclusive, for it was not so intended. As a practical necessity, a direct conflict between the exercise of delegated powers by the National Government, and an exercise of powers by a State in the same field, must be resolved in favor of the exercise by the National Government; or else the original delegation could be nullified by the action of a State.

In the absence of such a direct conflict, however, the only consistent interpretation of the Constitution is to acknowledge in the States a power to act in the same fields as those in which powers were delegated to the National Government. In those matters where exclusive power was intended for the National Government, the Constitution specifically pro-

hibits State action. It is not the general exercise of powers by the States that is prohibited, however, but only specific actions. Not only the substantive provisions of the Constitution attest to this intention, but also the form and order of the Constitution.

The principal delegations of powers to the General Government appear in section 8 of article I. In section 9 of the same article, the powers delegated are limited by certain specific prohibitions against the National Government in the exercise of those powers delegated. In section 10 of the same article, there is an enumeration of prohibitions of those State actions which would obtain such exclusiveness in the exercise of delegated powers by the General Government as was deemed necessary. The exercise of powers by a State were restricted by the Constitution, then, in only two instances: First, when the State action is in direct conflict with an action of the National Government taken pursuant to a delegated power; and, second, when such action by the State is specifically prohibited by the Constitution. From this it is clear that the States did not necessarily surrender their power to act in fields in which power was delegated to the National Government.

The prohibitions against State action are not nearly so broad as even those limited powers delegated to the National Government, as readily appears from the provisions of section 10, article I, which is as follows:

SEC. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of mark and reprisal; coin money; emit bills of credit; make anything but gold and silver coined a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grants any title of nobility.

No State shall without consent of [the] Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of [the] Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

In addition to the deprivation of sovereign powers of the States that accrues through these prohibitions of State action and the requirement of consistency with actions of the National Government taken under the delegated powers, the States incurred additional obligations under the Constitution through provisions regulating certain mutual relations among the States themselves. These provisions are contained in article IV, sections 1 and 2. Section 1 provides that each State shall give full faith and credit to the public acts, records, and judicial proceedings of every other State. Congress is appointed as the arbitrator of this agreement, and is authorized to prescribe the manner in which such acts, records, and proceedings must be presented in order to qualify for the agreed status. In section 2, each State agreed to extend the privileges and immunities enjoyed by its own citizens to the citizens of the other States. Each State also agreed to extradite escaped criminals to the State from which they escaped upon demand by such State. The third agreement in this section, which bound each State to refrain from freeing slaves escaping into it from another, became irrelevant when slavery was abolished.

The National Government is in no way concerned with the provisions of section 2, compliance being left to the good faith of each State, and to the advantage of reciprocal treatment which inure from strict observance of the agreement. The provisions of section 2 also serve as irrebuttable evidence as to the nature of the Constitution as a compact or treaty between sovereign States.

The sovereign powers of the several States were thus impaired by the Constitution in three ways: By the delegation of certain powers to the General Government, by mutual agreement to the prohibitions of specific State actions, and by agreement to four items of reciprocal conduct. Although these three areas contain the total impairment to State action embodied in the original Constitution, there is one remaining provision which restricts not the power of a State, but the sovereignty of the people of each State. This provision is contained in section 4 of article IV, and provides that the United States shall guarantee to each State a republican form of government. Despite the fact that prior to the adoption of the Constitution, each State did in fact have a republican form of government, the people of each State, being completely sovereign—and they remain so today except in this one instance—had the power to establish any form of government they desired, including a monarchy, a dictatorship, or, if they saw fit, a pure democracy. This power of sovereignty was surrendered by the people of each State upon the adoption of the Constitution. From a practical standpoint this surrender of sovereignty was and is inconsequential, for in no State have the people shown a disposition to deviate from a republican form. Realization of the full implications of this provision should serve as a refreshing reminder, however, that the pure democracy, on the tenets of which so many of the radical proposals of the current age are based, is as foreign to our Government in the United States as are any of hated "isms."

In any attempt to define the expanse of powers of each State which remain unimpaired by the compact of the States in 1788, it is necessary to reckon, not only with the provisions of the Constitution, but also with the fact that the people of each State are the source of sovereignty, both of those powers delegated by the States to the National Government, and of those reserved to themselves by the States. Of those delegated, any substantive power is subject to the sovereignty of the people of the several States, and through the prescribed method of amendment may be expanded, altered, returned to the several States, or revoked altogether. Except for those powers delegated to the National Government and those actions prohibited to the States, the several States retain all other powers exclusively, with one limitation—the total powers of sovereignty, at the will of the people, may be withheld from the State. Although subject to the same external limitations, the powers of one State may substantially exceed those of another State, whose people have seen fit not to vest certain of the powers of sovereignty in any government. Such a limitation by the people on their State government would be embodied in a State constitution. The term "reserved powers of the States," therefore, refers to those powers of sovereignty which may be granted to a State by the people, and exercised by the State without conflict with the United States Constitution.

While enumeration of the powers of the National Government requires only a quick reference to the Constitution, where they are fully listed, the reserved powers of the several States are so broad as to defy enumeration. Any definitive approach to the State powers must necessarily be from the standpoint of what they are not, although we can list almost without end powers that are included among State powers.

By almost any definition, the police power encompasses a broader range of State actions than any other of those reserved. Under some definitions, it is almost synonymous with the entire scope of reserve powers, being in no way restricted to the realm of criminal law. For instance, in *Sweet* v. *Rechel* (159 U.S. 380, p. 398), the U.S. Supreme Court—by no means a defender of State powers—referred with approval to a reference to the police power as "the power vested in the legislature by the Constitution to make, ordain, and establish all manner of wholesome and reasonable laws, statutes, and ordinances, either with penalties or without, not repugnant to the Constitution as they shall judge to be for the good and welfare of the Commonwealth and of the subjects of the same." And from the same source, as expounded in *The License Cases* (5 Howard 504, p. 599), comes this comment on police powers:

The assumption is that the police power was not touched by the Constitution but left to the States as the Constitution found it. This is admitted; and whenever a thing, from character or condition, is of a description to be regulated by that power in the State, then the regulation may be made by the State, and Congress cannot interfere.

These definitions of police power are broad enough to encompass the majority of reserved powers, and attest to the intention of the Constitution to implement federalism in substance, as well as in form.

At a minimum, the police power includes the right to take such actions as seem necessary to protect life and liberty. Since life and liberty—and the latter necessarily includes property—are of the primary importance to society, laws made to protect them must take precedence over those of secondary importance.

Under the broader definitions, police power would include the right to take action in the field of social conduct and welfare; but whether within the police power or without, there can be no question that such actions are within the scope of reserved powers of the State. No authority whatsoever is delegated to the National Government in this area. Through this reservation, one of the most beneficial applications of federalism is obtained. In no other field is there more variance from State to State than in the field of welfare needs and desires for governmental action by the people.

Indeed, there is even nothing static about the variance from State to State, for even within a single State the needs and desires of the people in this area fluctuate substantially with time. Laws designed at the national level to meet the maximum need in one locality would be highly wasteful in most areas, as well as distasteful; and one designed to meet the average need—if such there be—would be too little in one area, and too much in another. The exercise of this power by the States, rather than by the National Government, makes it possible to fit the remedy of governmental action to the specific need, without either squandering the resources of the citizenry or encouraging slough in areas where governmental action is unneeded.

Among the powers reserved to the States none is more important than the regulation of the public educational system. It is in the educational process that lies the control of the minds of men, and no easier path to despotic power exists than the one available in a power to shape and mold the thinking patterns of immature minds. So inherently dangerous is this awesome power, that it would be unthinkable to trust any one human or group of humans with its totality.

The individual liberty of all posterity depends on the diversification of the power to control education. Under the federated republican constitutional government, prescribed for the United States, the control of education is dispersed at least to the level of the several States; even slight prudence dictates that it be dispersed even further to the hands of purely local authority. Americans should never forget examples of the establishment and perpetuation of totalitarian regimes in Germany and Italy, with the brainwashed consent of those subjected to the influence of an educational system in the control of a centralized power.

Although these are but a few of the many powers reserved to the States, they serve to illustrate that the total powers reserved are formidable, and constitute a broader jurisdiction by far than that comprised of the powers delegated to the National Government. It was the intention of the Constitution that neither the National Government nor the State governments be supreme: Each was to be supreme in its own realm, the two to operate on a parallel, with each accomplishing those tasks of government for which it was best suited. Strict limitations on jurisdiction were imposed on the General Government, whose influence extended over the breadth of the country; while residual jurisdiction was reserved to the several States, whose influence was bounded by the geographic limitations of State boundaries. The total power of sovereignty was thereby dispersed among the 14 governments—13 State governments and 1 Central one—at the time the Constitution was adopted. The plan of decentralization permitted growth of the Nation without any weighting of the scales toward centralization. As a result, the total powers of sovereignty are now dispersed among 51 governments. No new power accrued to the National Government with the admission of new States, although its powers were extended thereby geographically.

Despite the absence of any delegation of additional powers to the General Government, or of any consequential new prohibitions against State actions, the balance between the powers of the National Government, on the one hand, and those of the States, on the other, has tipped heavily in favor of the former. Almost from the beginning, events and practices have worked for a diminution of State authority; and what began as a slow, almost imperceptible process has now snowballed into such proportions that the whole concept of federalism is threatened with extinction. Once wholly autonomous States now appear doomed to conversion into mere subdivisions of an all-powerful centralized Government, with the host of individual liberties, which flourished under the umbrella of the parallel governments of federalism, being squeezed to death in the formation of the triangle of pyramidal government with the top at Washington. So strong is the wave of centralization that only a completely awakened and alarmed public can turn the tide.

Unfortunately, some of the most adaptable tools for the maintenance of federalism and States rights, designed for our use and protection by the authors of the Constitution, have been lost in the intervening years.

In this era, liberty is challenged worldwide on a scale unprecedented. We find ourselves in a position of leadership of the free world, not because of our material wealth, primarily, but because our political structure has permitted and encouraged the individual freedom of thought and action which promotes diversity in the form of independent initiative, which in turn has permitted our great material rewards.

The real path to liberty, stability, and tranquillity lies in a recultivation and renewed reverence for the sound and timeless fundamental concepts which are interwoven in such careful balance into our Constitution and the political structure therein established.

Mr. STENNIS. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I am happy to yield.

Mr. STENNIS. I wish to commend the Senator from South Carolina most heartily for his very fine discourse on the purpose, nature, and framework of our Government.

Mr. THURMOND. I thank the Senator from Mississippi.

Mr. STENNIS. It has been most refreshing and delightful to listen to his discourse on that subject, and I appreciate very greatly the thought he has devoted to it. He has made a real contribution to the RECORD. I wish more Senators had been present to hear his remarks, and I hope all of them will read his remarks as they appear in the CONGRESSIONAL RECORD.

Mr. THURMOND. I thank the Senator from Mississippi.

Mr. STENNIS. I wish to propound several questions in regard to the power of a Senator and the power of a State in this body.

Mr. THURMOND. I am glad to yield.

Mr. STENNIS. As the Senator from South Carolina said, if the power of a Senator is decreased, the effect is also to decrease the power of the State he represents. Is not that inescapable?

The Senator from Alaska pointed out, last Thursday, I believe, that 23 States—almost half of the total—have 5 or less Representatives in the House of Representatives, as compared with their 2 Senators among the total 100 Members of the Senate. He also pointed out, in that connection, that five States have only one Member of the House of Representatives.

Mr. THURMOND. I believe there were six until recently, when Hawaii gained another Member of the House of Representatives.

Mr. STENNIS. Yes.

Mr. THURMOND. The States which now have only one Member of the House of Representatives are Vermont, Delaware, Wyoming, Nevada, and Alaska—and, until recently, Hawaii.

Mr. STENNIS. Yes.

Furthermore, I believe that under the House rule, a Member of the House can serve on only one major committee. So such States do not have a chance to have representation on more than one major House committee. Furthermore, when votes are taken in the House, each of those States has only one vote out of the total of 437.

By the way, let me point out that as the population of the country increases, unless the total number of Members of the House is greatly increased, there will be more and more States which will have fewer and fewer Representatives in the House of Representatives. Will not the House rule work that way?

Mr. THURMOND. That appears to be the case.

Mr. STENNIS. Certainly it has worked that way in recent years.

However, the Senator pointed out that the Members of the House from ten of the large States can, by taking concerted action, defeat a bill, merely because they have sufficient sheer mass or numbers, because of the large population of the States they represent. So in the House only 20 percent of the States can either pass or defeat a bill, whereas in the Senate the votes of the Senators from 26 States are required in order to pass a bill.

He also pointed out that concerted action by the Senators from 17 States can prevent the passage of a bill which is considered by them to be particularly injurious either to them or to the country as a whole.

Do not those figures tend to support the Senator's thought in regard to the power and the political strength of a State in the Senate, as compared to its position in the House of Representatives? That is not an invidious comparison, at all; it arises merely because of the difference between the two legislative bodies. Does the Senator from South Carolina agree?

Mr. THURMOND. Yes, I am in hearty accord with the Senator's sound statements on that point.

Mr. STENNIS. Whereas if the Senate rule were to be changed, so that the will of a mere majority of the Members of the Senate could prevail, the Senate would become more or less an appendage of the House of Representatives. Is not that correct?

Mr. THURMOND. It seems to me that would be so; and it would be a terrible mistake.

Mr. STENNIS. I mean insofar as legislation is concerned.

Mr. THURMOND. As the Senator from Mississippi has said, there is no question that in that way the power of the Senate would be diluted, the power of a Senator would be diluted, and the power of the State he represented would be diluted; and the small or the medium size States would especially feel the effect of that development—because, as the Senator from Mississippi has ably pointed out, they have so few Members in the House of Representatives.

Mr. STENNIS. So the Senator from South Carolina has clearly expressed the point that if such a change in the rule were to be made, the representation of the smaller States in the Senate would be decreased to a great extent.

Mr. THURMOND. The Senator is eminently correct. I wish to commend him for bringing out those points. He has rendered the Nation a great service in doing so.

Mr. STENNIS. I thank the Senator and commend him for having made a fine speech.

Mr. THURMOND. I thank the Senator very much.

Mr. President, in closing, I wish to say that the existing rule XXII is the most suppressive of debate which has ever existed in the Senate. If any change in the rule is to be made which prevents cloture by the vote of any number of the Senators the wisest course would be to return to a requirement for a two-thirds vote of the membership of the Senate. Under no circumstances should cloture be made easy.

RECESS UNTIL TOMORROW AT 10 O'CLOCK A.M.

Mr. STENNIS. Mr. President, in keeping with the agreement heretofore entered into, I move that the Senate take a recess until 10 o'clock a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 10 minutes p.m.) under the order previously entered, the Senate took a recess until tomorrow, Tuesday, February 5, 1963, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate February 4 (legislative day of January 15), 1963:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Archibald S. Alexander, of New Jersey, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

IN THE 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 grade as follows:

Maj. Gen. William Henry Sterling Wright, XXXXXX U.S. Army, in the grade of lieutenant general.

Maj. Gen. Ben Harrell, XXXXXX Army of the United States (brigadier general, U.S. Army), in the grade of lieutenant general.

NATIONAL MEDIATION BOARD

Howard G. Gamser, of New York, to be a member of the National Mediation Board for the term expiring February 1, 1966, vice Robert O. Boyd.

EXTENSIONS OF REMARKS

Part 5: Let's Keep the Record Straight—A Selected Chronology of Cuba and Castro—September 13–October 14, 1962

EXTENSION OF REMARKS
OF

HON. DON L. SHORT

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1963

Mr. SHORT. Mr. Speaker, part 5 of my chronology of Cuba and Castro begins with a series of newspaper quotes on our U.S. policy for dealing with Cuba.

While the Monroe Doctrine and its application to the present situation was endlessly debated by our newspapers, our columnists, commentators, and newspapers in other countries—our Congress stubbornly went ahead adopting resolutions upholding the right of the United States to invoke the Monroe Doctrine, protect our country, and protect the entire hemisphere against an extension of the Marxist-Leninist Cuban Government.

Because of the reluctance of our NATO allies to cease shipments of materials and goods to Cuba which would be detrimental to the interests of this hemisphere, the House of Representatives boldly included amendments to our foreign aid appropriations bill which would cutoff aid to any country that permitted its ships to transport goods to Cuba. This perhaps was not what we might call a diplomatic approach but it certainly was a practical approach to the problem. It underlined the psychological approach of appealing to self-interest when the idealistic approach failed.

And on September 21, 1962, Adlai E. Stevenson admitted in the United Nations, in answering Soviet threats, that it was officially known that the U.S.S.R. was stuffing Cuba with planes, rockets, and other arms.

It began to be clear to all who followed the situation that some of our news columnists were about to find themselves with "egg on their face," because of their weighty—and in some cases—frightened pronouncements on what we as a Nation should do or what we could not do.

A SELECTED CHRONOLOGY ON CUBA AND CASTRO—PART 5

September 13, 1962: U.S. policy for dealing with Cuba: "If necessary we can take care of Cuba; and if the necessity is obvious, the Russians, despite what they now say, will acquiesce. They do not have any greater desire to fight a nuclear war over Cuba than we do. Force might some day prove the lesser of two evils for us; but it could never provide a solution for the Cuban problem" (New York Times, Sept. 12, 1962). "The only plausible employment for [the Russians] in Cuba * * * is to do more or less exactly what the Americans are doing in South Vietnam; that is, to train the local army to fight a more advanced kind of war . . . the defense of Cuba against another invasion. Whether [the Russians] are troops or technicians is at bottom immaterial . . . in the sense that the Americans cannot very well assert the right to intervene, whatever the Russians are. Doubtless, in a perfectly ordered world, the Monroe Doctrine would require the removal of these alien intruders. But in the imperfect real world, where the Americans keep troops along the border of the Communist block (in one case, within it; remember Berlin), and claim an unhindered right of access to these outposts, it is going to be awkward, to say the least, to expel or blockade the Russians in Cuba. Mr. Khrushchev has made the neatest of moves in the international chess game; take my pawn in Cuba, he says, and you risk your castle in South Vietnam—or your Berlin queen. If Dr. Castro is one day replaced by a democratic government, it will not be as a result of the one threat against which Russian advisers can give his army any real help—a regular invasion, a la D-day, from over the sea. The United States learned its Cuban lesson in April last year. The United States can perhaps help to organize and supply a rebellion, as the Communists do elsewhere; it cannot import a rebellion, prepackaged. Given enough time, and enough rope, the Cuban regime may yet produce the internal disaffection that will be its downfall. If [Dr. Castro's] support in the countryside begins to fade, one of the conditions of a successful revolt against him will have been established. And if the test ever came, it would be far harder for the Russians to keep an unpopular government in office in Cuba than it is for the Americans to do a similar job in other parts of the world which are better left unnamed. Mr. Khrushchev has no 6th or 7th Fleet to keep his supply lines open. If things go the way the United States hopes—if discontent grows inside Cuba—any further investment in Dr. Castro is going to look very risky indeed to Moscow. Patience, not a choleric lunge, is the Americans' best policy" (Economist, London, Sept. 8, 1962).