PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES:

H.R. 6566. A bill for the relief of Marie Panoyote Vlahaki; to the Committee on the Judiciary.

By Mr. OLIVER P. BOLTON:

H.R. 6567. A bill for the relief of Anthony Harry Giazikis; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 6568. A bill for the relief of Frances Sperilli; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 6569. A bill for the relief of Mariam Beatrice Bedrossian; to the Committee on the Judiciary.

By Mr. DADDARIO:

H.R. 6570. A bill for the relief of Natale Arico; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 6571. A bill for the relief of Carmino di Martone; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 6572. A bill for the relief of Dr Ferdinand Anton Rossman; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 6573. A bill for the relief of Homero Sada; to the Committee on the Judiciary.

H.R. 6574. A bill for the relief of Mrs. Mauricia Reyes; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 6575. A bill to authorize Victor E. Werner to accept the Silver Medal of the Order of Leopold II from the Belgian Government; to the Committee on Foreign Affairs.

By Mr. HORTON:

H.R. 6576. A bill for the relief of Maria Angela Visca; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 6577. A bill for the relief of Rumia Rachel Nahari-Levy; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 6578. A bill for the relief of Mrs. Cesira Doddy; to the Committee on the Judiciary.

By Mr. LANGEN:

H.R. 6579. A bill for the relief of Albert Carter; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 6580. A bill for the relief of Bhopal Bahadur Singh; to the Committee on the Judiciary.

By Mr. MacGREGOR:

H.R. 6581. A bill for the relief of Madam Sophie Wolter; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 6582. A bill to amend the act of May 25, 1920, relating to conveyance of certain parts of rights-of-way by railroad companies; to the Committee on Interior and Insular Affairs.

By Mr. POAGE:

H.R. 6583. A bill for the relief of Louis Jung Shaw Gore, his wife, Sue Won Wong Gore, and their two sons, Jone Yee Gore and Jone Fon Gore; to the Committee on the Judiciary.

By Mr. RHODES of Arizona:

H.R. 6584. A bill for the relief of Mrs. Kodungallore Janaki Warner; to the Committee on the Judiciary.

By Mr. RHODES of Pennsylvania:

H.R. 6585. A bill to confer jurisdiction on the U.S. District Court for the Eastern District of Pennsylvania to hear, determine, and render judgment on the claims of Pius Stancavage against the United States; to the Committee on the Judiciary.

By Mr. ROBERTS of Alabama:

H.R. 6586. A bill for the relief of Mrs. Helen Virginia Herd; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 6587. A bill to direct the Secretary of the Interior to convey certain lands in Boulder County, Colo., to W. F. Stover; to the Committee on Interior and Insular Affairs.

By Mr. SHELLEY:

H.R. 6588. A bill for the relief of Crispulo Degala; to the Committee on the Judiciary.

By Mr. SIBAL:

H.R. 6589. A bill for the relief of Elivio Trovini; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 6590. A bill to provide for the free entry of a fundus camera for an eye clinic at St. Francis Hospital, Santa Barbara, Calif.; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 6591. A bill for the relief of Constantine Theothoropoulos; to the Committee on the Judiciary.

By Mr. TOLLEFSON:

H.R. 6592. A bill relating to the effective date of the qualification of the joint pension plan for employees of Local Unions 150 and 193, Sheet Metal Workers International Association as a qualified trust under section 401(a) of the Internal Revenue Code of 1954; to the Committee on the Judiciary.

H.R. 6593. A bill for the relief of Earnest O. Scott; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 6594. A bill for the relief of Mrs. Kodungallore Janaki Warner; 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:

136. By Mr. SNYDER. Petition of Richard H. Treitz and other citizens of Louisville, Ky., relating to the preservation of the Monroe Doctrine; to the Committee on Foreign Affairs.

137. By the SPEAKER: Petition of Dean Cloussens, president, the Dade County League of Municipalities, Miami, Fla., petitioning consideration of their resolution with reference to requesting the President to approve the U.S. participation in Interama by providing for a Federal exhibit and by assisting in the construction of exhibits of Latin American nations; to the Committee on Foreign Affairs.

138. Also, petition of J. L. Brown, county clerk, Fresno County Board of Supervisors, Fresno, Calif., petitioning consideration of their resolution with reference to endorsing S. 1275, relating to the Federal-State conflict over water rights; to the Committee on Interior and Insular Affairs.

139. Also, petition of Arcadio Rubiano, Sr., municipal secretary, Abucay, Bataan, Philippines, relative to opposing amendment of Public Law 87-616, and that it remain as it is for the benefit of the individual claimants; to the Committee on Foreign Affairs.

SENATE

THURSDAY, MAY 23, 1963

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

Rev. Alfonso Jordan, Chaplain, House of Representatives of North Carolina, offered the following prayer:

Our God, we thank Thee that in the years gone by Thou didst call Thy chosen people to give the law of God to the world. We thank Thee for the freedom that they sought, for the hand of God that was with them, and that God led them in a pillar of fire by night and in a pillar of a cloud by day. We thank Thee that they came to the promised land, and that the prophets gave them instructions on how to live. They were Thy chosen people.

We thank Thee that we can say that we are Thy chosen people.

Nine score and seven years ago our fathers brought forth upon this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.

We thank Thee that Thou didst give our forefathers grace and strength to write our Constitution and to give us our Declaration of Independence.

We thank Thee that Thou hast been with us through all the years, through cloud and sunshine, through war and peace and calamity. We thank Thee that Thou art with us today.

We ask Thy blessings on these, Thy servants, who serve in this body today. Give them, we pray Thee, wisdom as they work to solve the problems which come before them.

Forgive us now our sins, we pray, and lead us to glory, for we pray in the name of our Lord. Amen.

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

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

The Chief Clerk proceeded to call the roll.

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

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

THE JOURNAL

On request of Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, May 21, 1963, was dispensed with.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of February 11, 1963,

Mr. HAYDEN, from the Committee on Appropriations, reported favorably, with amendments, on May 22, 1963, the bill (H.R. 5279) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1964, and for other purposes, and submitted a report (No. 181) thereon.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 1237. An act for the relief of Clara G. Maggiora;

H.R. 1560. An act for the relief of Constantinos A. Grigoras (Gregoras);

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

H.R. 3218. An act for the relief of Mrs. Kazuko (Joseph James) Kapp; and

H.J. Res. 390. Joint resolution authorizing the Attorney General to cancel deportation proceedings in the cases of certain aliens.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

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

H.R. 1237. An act for the relief of Clara G. Maggiora;

H.R. 1560. An act for the relief of Constantinos A. Grigoras (Gregoras);

H.R. 3218. An act for the relief of Mrs. Kazuko (Joseph James) Kapp; and

H.J. Res. 390. Joint resolution authorizing the Attorney General to cancel deportation proceedings in the cases of certain aliens.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. HUMPHREY, and by unanimous consent, the following subcommittees were authorized to meet during the session of the Senate today:

The Textile Subcommittee of the Committee on Commerce.

The Constitutional Rights Subcommittee of the Committee on the Judiciary.

The Subcommittee on Intergovernmental Relations of the Committee on Government Operations.

The Subcommittee on Antitrust and Monopoly Legislation of the Committee on the Judiciary.

LIMITATION OF STATEMENTS DURING MORNING HOUR

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

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON PROPOSED TRANSFER OF BATTLESHIP TO STATE OF ALABAMA

A letter from the Assistant Secretary of the Navy (Installations and Logistics), reporting, pursuant to law, on the proposed transfer of the battleship *Alabama* (BB 60) to the State of Alabama; to the Committee on Armed Services.

REPORT ON U.S. COAST GUARD CONTRACTS FOR EXPERIMENTAL, DEVELOPMENTAL, OR RESEARCH WORK

A letter from the Administrative Assistant Secretary of the Treasury, transmitting, pursuant to law, a report on U.S. Coast Guard contracts negotiated for experimental, developmental, or research work, since November 19, 1962 (with an accompanying report); to the Committee on Armed Services.

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on export control, for the first quarter of 1963 (with an accompanying report); to the Committee on Banking and Currency.

PUBLICATIONS OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting, for the information of the Senate, certain publications entitled "Regulations To Govern the Preservation of Records of Public Utilities and Licensees," "Regulations To Govern the Preservation of Records of Natural Gas Companies," and "Map—Major Natural Gas Pipelines, as of December 31, 1962" (with accompanying documents); to the Committee on Commerce.

AUDIT REPORT ON VETERANS CANTEEN SERVICE, VETERANS' ADMINISTRATION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Veterans Canteen Service, Veterans' Administration, fiscal year 1962 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON SOUTHWESTERN POWER SYSTEM AND RELATED ACTIVITIES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Southwestern Power System and related activities, Corps of Engineers (Civil Functions), Department of the Army, and Southwestern Power Administration, Department of the Interior, fiscal years 1960 and 1961 (with an accompanying report); to the Committee on Government Operations.

REPORT ON EXAMINATION OF CATALOG PRICES CHARGED FOR CERTAIN AIRBORNE RADAR BEACONS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of catalog prices charged for airborne radar beacons developed with Government funds and supplied to the military departments and their prime contractors under noncompetitive procurements with ACF Electronics Division, ACF Industries, Inc., Paramus, N.J., dated May 1963 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT OF RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES

A letter from the executive director, Reserve Officers Association of the United States, Washington, D.C., transmitting, pursuant to law, an audit report of that association, as of March 31, 1963 (with an accompanying report); to the Committee on the Judiciary.

AUDIT REPORT OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW

A letter from the vice president and executive director, the American Society of International Law, Washington, D.C., transmitting, pursuant to law, an audit report of that society, for the period April 1, 1962, to March 31, 1963 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF JUDICIAL CONFERENCE OF THE UNITED STATES

A letter from the Chief Justice of the United States, transmitting, pursuant to law, a report of the proceedings of a special meeting of the Judicial Conference of the United States, held at Washington, D.C., March 11–12, 1963 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Oregon; to the Committee on Agriculture and Forestry:

"HOUSE JOINT MEMORIAL 25

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

"We, your memorialists, the 52d Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

"Whereas the Federal Government has embarked upon a program of rehabilitating the Federal grasslands under the administration of the Bureau of Land Management in the State of Oregon, to a condition that will permit their maintenance at a high level of forage production, in cooperation with the permittees and owners of the base properties; and

"Whereas grazing fees on the lands administered by the Bureau of Land Management have recently been increased 50 percent based upon the proposed rehabilitation; and

"Whereas rehabilitation of the land and the maintenance of high level of production will be a long and continuing process requiring expenditure of money, labor, and management skill on the part of the permittees in cooperation with the Bureau of Land Management; and

"Whereas present tenure rules do not encourage such cooperation and do not provide adequate security to warrant a maximum contribution by the permittee toward long-range improvement practices; and

"Whereas valuation of the permittee's base property as security for loans for long-range improvements is impaired by lack of permanence of grazing privileges on Federal land: Now, therefore be it

"Resolved by the Legislative Assembly of the Senate of Oregon:

"(1) The Congress of the United States is urged to enact legislation:

"(a) To provide for multiple-use management of the Federal lands under the administration of the Bureau of Land Management along the line of Public Law 86–518 Forest Land; and

"(b) To provide for continuing tenure of grazing privileges on Federal land subject to reduction or cancellation only for failure of the permittee to effectively cooperate in the management of the range for maximum productivity.

"(2) The secretary of state shall send a copy of this memorial to the President of the U.S. Senate, to the Speaker of the House of Representatives of the United States, and to each Member of the Oregon congressional delegation.

"Adopted by House April 22, 1963.

"CECIL L. EDWARDS,
"Chief Clerk of House.
"CLARENCE BARTON,
"Speaker of House.

"Adopted by Senate May 9, 1963.

"BEN MUSA,
"President of Senate."

A resolution of the Seventh Guam Legislature; to the Committee on the Judiciary:

"RESOLUTION NO. 132(1–S)

"Resolution relative to respectfully petitioning the Congress of the United States to amend the immigration laws of the United States to permit fewer restrictions on travel for the people of the Northern Marianas Islands between the various islands thereof and Guam

"Whereas the Marianas Islands were originally colonized by one people, the ancient Chamorro, and were thereafter, following the conquest by Spain, administered as one unit, with the Island of Guam, the largest and most developed of said islands, being the capital, and, as a result, the people of the Marianas Islands, although administered separately ever since the Spanish-American War, are still today a homogeneous population, having the same language, the same religion, and the same culture, all of the people of the Marianas being interrelated; and

"Whereas not only are the people of the Marianas a distinct cultural unit, the islands also can be best utilized as a single economic unit, since all of them are relatively near

each other, are similar geographically and agriculturally, and have a long history of trading back and forth between each other, although unfortunately at present, because of the difference in governments, the peoples of the Marianas are not as close economically as they desire or as is best for their mutual economic growth; and

"Whereas all of the foregoing leads the Seventh Guam Legislature to believe that one of the best methods of rehabilitating typhoon-stricken Guam is to increase the amount of trade by and between the Marianas Islands, which increase in trade can quickly be brought about if the present immigration restrictions on travel of the inhabitants of the Northern Marianas to and from Guam be relaxed; and

"Whereas although the people of the northern Marianas are, for immigration purposes, aliens, and the legislative does not urge that this status be changed, nevertheless, because of the close ties between the peoples of all the Marianas, including Guam, it would appear that a relaxation of certain immigration restrictions only as they apply to Guam and the inhabitants of the northern Marianas would not be unreasonable to the general principles behind the immigration laws of the United States: Now, therefore, be it

"Resolved, That the Seventh Guam Legislature, on behalf of the people of Guam, and, as well, for all the people of the Marianas Islands with whom they are kin, does hereby respectfully petition the Congress of the United States to amend the immigration and naturalization laws of the United States to permit fewer restrictions on travel for the people of the northern Marianas between the various islands thereof and Guam; and be it further

"Resolved, That the speaker certify to and the legislative secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the Senate, to the Speaker of the House, to the chairman of the Committees on Interior and Insular Affairs, Senate and House, to the Secretary of State, to the Secretary of the Interior, to the Attorney General of the United States, to the Commissioner, Immigration and Naturalization Service, to the High Commissioner of the Trust Territory, to the speaker of the Saipan Legislature, and to the Governor of Guam.

"Duly adopted on the 16th day of May 1963.

"M. U. LUJAN.
"Vice Speaker.
"V. B. BAMBA,
"Legislative Secretary."

By Mr. HICKENLOOPER:

A concurrent resolution of the Senate of the State of Iowa; to the Committee on Finance:

"SENATE CONCURRENT RESOLUTION 23

"Whereas the U.S. Congress by a series of amendments to the Social Security Act during the period 1956–62 has extended and broadened the Social Security Act to provide disability and other benefits for work-connected injuries and disease; and

"Whereas the workmen's compensation laws were designed to be the basic and exclusive method and remedy providing benefits for work-connected injuries and diseases, and their administration has for over 50 years been the function of the several industrial accident boards and commissions based on the accepted principle that benefits for work-connected injuries and diseases be tailored to fit social and economic conditions at the local level; and

"Whereas the extension of the Social Security Act to provide benefits for work-connected injuries and diseases has resulted in duplication of benefits; and

"Whereas legislation resulting in further intrusion into the field of work-connected injuries and diseases will constitute a severe threat to the survival of the State-administered workmen's compensation programs: Now, therefore, be it

"Resolved by the senate (the house concurring), That the General Assembly of the State of Iowa is opposed to any legislation by the U.S. Congress which would infringe on the right of this State to enact and administer its own workmen's compensation laws, and to further Federal encroachment into the field of State-administered workmen's compensation programs, and strongly urges that the U.S. Congress again affirm that the workmen's compensation system is the basic program for compensating work-connected injuries and diseases; and be it further

"Resolved, That the secretary of the senate is directed to forward a copy of this resolution to each member of the Iowa delegation in the Congress of the United States.

"W. L. MOOTY,
"President of the Senate.
"CARROLL A. LANE,
"Secretary of the Senate."

MEMORIAL FROM OREGON LEGISLATURE

Mrs. NEUBERGER. Mr. President, for myself and my colleague, the senior Senator from Oregon [Mr. MORSE], I offer the enrolled copy of House Joint Memorial No. 8 adopted by the 52d Legislative Assembly of Oregon, 1963. The memorial urges revision of the Federal highway use tax, so that motor vehicles used in agriculture, horticulture, and forestry be relieved from the highway use tax during months when operations in such industries are suspended and motor vehicles are not in use.

I ask consent that the text of house joint memorial No. 8 be included in the RECORD with my remarks.

There being no objection, the joint resolution was referred to the Committee on Finance, and, under the rule, ordered to be printed in the RECORD, as follows:

HOUSE JOINT MEMORIAL 8

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

We, your memorialists, the 52d Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

Whereas the Federal Government has, in the provisions of the Federal-Aid Highway Act of 1956, imposed an annual excise tax on the use of certain motor vehicles; and

Whereas, while providing for a reduction in the amount of the tax where vehicles begin the use after the start of the tax year, yet no provision for a reduction in the amount of the tax is made where the use of vehicles is required to be suspended because of seasonal situations or for other unavoidable causes; and

Whereas the agricultural, horticultural and forestry industries present seasonal operations and there are periods of time during the year when vehicles used in these industries are idle; and

Whereas the agricultural, horticultural, and forestry industries are essential industries which merit beneficial consideration by the taxing authorities: Now, therefore, be it

Resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States is memorialized to consider revising the Federal Highway Use Tax as set forth in the Federal-Aid Highway Act of 1956 so that the essential industries of agriculture, horticulture, and forestry be relieved of the tax burden during those months when operations in such industries are suspended and motor vehicles are not used by them on the highways.

(2) The Secretary of State shall send a copy of this memorial to the Presiding Officer of the U.S. Senate, the Speaker of the House of Representatives of the United States, the Secretary of the U.S. Treasury, and to each member of the Oregon congressional delegation.

Adopted by house March 13, 1963.

CECIL L. EDWARDS,
Chief Clerk of House.
CLARENCE BARTER,
Speaker of House.

Adopted by senate May 7, 1963.

BEN MUSA,
President of Senate.

(The PRESIDENT pro tempore laid before the Senate a joint resolution of the Legislature of the State of Oregon, identical with the foregoing, which was referred to the Committee on Finance.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Government Operations, without amendment:

S. 261. A bill to authorize the conveyance of certain lands in Harris County, Tex., to the State of Texas or the county of Harris (Rept. No. 182); and

S. 814. A bill to amend section 7 of the Administrative Expenses Act of 1946, as amended (Rept. No. 184).

By Mr. McCLELLAN, from the Committee on Government Operations, with amendment:

S. 572. A bill to amend section 201(a)(3) of the Federal Property and Administrative Services Act (40 U.S.C. 481(a)(3)), and for other purposes (Rept. No. 183).

By Mr. McCLELLAN, from the Committee on Government Operations, with amendments:

S. 876. A bill to authorize the Administrator of General Services to convey certain land in Prince Georges County, Md., to the American National Red Cross (Rept. No. 185).

By Mr. LONG, of Louisiana, from the Committee on Finance, with amendments:

H.R. 6009. An act to provide, for the periods ending June 30, 1963, and August 31, 1963, temporary increases in the public debt limit set forth in section 21 of the Second Liberty Bond Act (Rept. No. 186).

By Mr. JORDAN, of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 43. Concurrent resolution authorizing the printing of additional copies of part 1 and part 2 of the 1963 hearings of the Joint Committee on Atomic Energy on the "Development, Growth, and State of the Atomic Energy Industry" (Rept. No. 187).

MABEL V. LOLLIS

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 146) to pay a gratuity to Mabel V. Lollis, which was placed on the calendar, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mabel V. Lollis, widow of Oscar F. Lollis, an employee of the Senate at the time of his death, a sum equal to one year's compensa-

tion at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

CONTINUANCE OF THE SENATE YOUTH PROGRAM

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 147) authorizing the continuance of the Senate youth program, and submitted a report (No. 188) thereon; which resolution was placed on the calendar, as follows:

Whereas by Senate Resolution 324 of the Eighty-seventh Congress, agreed to May 17, 1962, the Senate expressed its willingess to cooperate in a nationwide competitive high school Senate Youth Program supported by private funds, which would give representative high school students from each State a short indoctrination into the operation of the United States Senate and the Federal Government generally, and authorized the Senate Committee on Rules and Administration, if it should find such a program possible and advisable, to make the necessary arrangements therefor; and

Whereas the Committee on Rules and Administration, after appropriate investigation having determined such a program to be not only possible but highly desirable, authorized its establishment and with the support of the leaders and other Members of the Senate and the cooperation of certain private institutions made the necessary arrangements therefor; and

Whereas, pursuant to such arrangements, and with the cooperation of and participation by the offices of every Member of the Senate and the Vice President, one hundred and two student leaders representing all States of the Union and the District of Columbia were privileged to spend the period from January 28, 1963, through February 2, 1963, in the Nation's Capital, thereby broadening their knowledge and understanding of Congress and the legislative process and stimulating their appreciation of the importance of a freely elected legislature in the perpetuation of our democratic system of government; and

Whereas it is the consensus of all who participated that the first year's program was an unqualified success, and in all respects worthy and deserving of continuance; and

Whereas the private foundation which financed the initial program has graciously offered to support a similar program during the period January 27, 1964, through January 31, 1964: Now, therefore, be it

Resolved, That the Senate Youth Program, established pursuant to the provisions of Senate Resolution 324 of the Eighty-seventh Congress, agreed to May 17, 1962, is hereby continued through the Eighty-eighth Congress.

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. MUNDT (for himself, Mr. CARLSON and Mr. YOUNG of North Dakota):

S. 1581. A bill to continue for the 1964 and 1965 crops of wheat the program in effect for the 1963 crop of wheat; to the Committee on Agriculture and Forestry.

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

By Mr. CHURCH:

S. 1582. A bill to amend the Act of August 31, 1954 (68 Stat. 1026), providing for the construction, maintenance, and operation of the Michaud Flats irrigation project; to the Committee on Interior and Insular Affairs.

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

By Mr. FONG:

S. 1583. A bill for the relief of Chong Jin Kim; to the Committee on the Judiciary.

By Mr. MOSS:

S. 1584. A bill to approve a contract negotiated with the Newton Water Users' Association, Utah, to authorize its execution, and for other purposes; to the Committee on Interior and Insular Affairs.

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

S. 1585. A bill for the relief of Robert T. Barnes; and

S. 1586. A bill for the relief of the Worthington Oil Refiners, Incorporated; to the Committee on the Judiciary.

S. 1587. A bill authorizing construction of a dam and reservoir on Mill Creek in Grand County, Utah, in the interest of flood control and allied purposes; to the Committee on Public Works.

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

By Mr. ELLENDER (by request):

S. 1588. A bill to remove the $10 million limitation on programs carried out under section 16(e)(7) of the Soil Conservation and Domestic Allotment Act for 1964 and subsequent calendar years; to the Committee on Agriculture and Forestry.

By Mr. CASE:

S. 1589. A bill to amend the Act approved July 14, 1960, as amended, relating to the establishment of a register of names in the Department of Commerce of certain motor vehicle drivers; to the Committee on Commerce.

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

By Mr. COOPER (for himself, Mr. DODD, Mr. ALLOTT, Mr. BAYH, Mr. BEALL, Mr. CASE, Mr. FONG, Mr. GRUENING, Mr. HARTKE, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. KEATING, Mr. KUCHEL, Mr. LONG of Missouri, Mr. METCALF, Mr. MORTON, Mr. NELSON, Mrs. NEUBERGER, Mr. RANDOLPH, Mr. RIBICOFF, and Mr. SCOTT):

S. 1590. A bill to protect the right of all qualified persons to attend public schools, and for other purposes; to the Committee on the Judiciary.

By Mr. COOPER (for himself, Mr. BAYH, Mr. BEALL, Mr. CASE, Mr. DODD, Mr. FONG, Mr. GRUENING, Mr. HARTKE, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. KEATING, Mr. KUCHEL, Mr. LONG of Missouri, Mr. METCALF, Mr. MORSE, Mr. MORTON, Mr. NELSON, Mrs. NEUBERGER, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, and Mr. SCOTT):

S. 1591. A bill to prohibit discrimination against any person on account of race or color in the furnishing of the advantages, privileges, and facilities of any business or business activity affecting the public which is conducted under State license; to the Committee on the Judiciary.

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

By Mr. WILLIAMS of New Jersey:

S. 1592. A bill for the relief of Dr. Maria C. Zografidou; to the Committee on the Judiciary.

By Mr. RANDOLPH (by request):

S. 1593. A bill to amend section 14 of the Federal-Aid Highway Act of 1954 concerning the interstate planning and coordination of the Great River Road; to the Committee on Public Works.

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

By Mr. ALLOTT (for himself, Mr. ANDERSON, Mr. DOMINICK, and Mr. MECHEM):

S. 1594. A bill to determine the rights and interests of the Navajo Tribe and the Ute Mountain Tribe of the Ute Mountain Reservation in and to certain lands in the State of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. NEUBERGER (for herself, Mr. CASE, Mr. CLARK, Mr. DOUGLAS, Mr. GRUENING, Mr. KEFAUVER, Mr. LONG of Missouri, Mr. MCGEE, Mr. MORSE, and Mr. YOUNG of Ohio):

S. 1595. A bill to provide Federal assistance to National and State committees of political parties in the financing of campaigns for election of candidates for Federal office; to the Committee on Rules and Administration.

(See the remarks of Mrs. NEUBERGER when she introduced the above bill, which appear under a separate heading.)

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

S. 1596. A bill to impose an annual quota on the quantity of softwood lumber which may be imported into the United States; to the Committee on Finance.

By Mr. PELL:

S. 1597. A bill for the relief of Juliano Barboza Amado and Manuel Socorro Barboza Amado; to the Committee on the Judiciary.

By Mr. HILL:

S.J. Res. 83. Joint resolution to provide for the designation of the month of February in each year as American Heart Month; to the Committee on the Judiciary.

RESOLUTIONS

MABEL V. LOLLIS

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 146) to pay a gratuity to Mabel V. Lollis, which was placed on the calendar.

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

AUTHORIZATION FOR CONTINUANCE OF THE SENATE YOUTH PROGRAM

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 147) authorizing the continuance of the Senate youth program, which was placed on the calendar.

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

THE WHEAT REFERENDUM AND A FARM PROGRAM

Mr. MUNDT. Mr. President, defeat of the national wheat referendum on Tuesday does not solve the farm problem confronting the wheat producers of America; neither did that vote by the

farmers, in my opinion, relieve the administration, the Secretary of Agriculture, or this Congress from the responsibility which all of us have for finding an enduring and economically sound answer to the wheat problem which exists in this country.

In the business of dealing with the complications of the farm problem, Mr. President, no one can be so sure of his own judgment or can proceed on such a cocksure basis that he can submit to the farmers of this country a "take-it-or-leave-it" proposition, on the basis that "You must do as I say, or face economic disaster," and then try to con the public into believing that the farmers have spoken and that they do not want a farm program because they refused to vote, by two-thirds majority, for some specific kind of administration proposition.

Senators will recall that a year ago when the farm legislation including this wheat proposal was before the Senate, I predicted precisely the type of possibility which we now confront. In an effort to eliminate that potentiality and possibility, I offered in the Committee on Agriculture and Forestry—and the committee twice approved—and amendment to the wheat title of the farm bill which would have given the farmers a choice in the first referendum between a continuation of their present farm program and the wheat certificate program on which they voted on Tuesday.

Twice the Senate rejected the recommendations made by the Senate Committee on Agriculture and Forestry to give the farmers such a choice. The steamroller was applied which eliminated any right of option or choice by the American wheat producers except to take the highly complicated program as proposed by a two-thirds vote or have nothing.

Now the farmers have spoken. Although I was one of those who advocated a "yes" vote, the farmers in their own good judgment decided emphatically that they do not want that specific program. I point out that the most important business that this Congress confronts from the standpoint of American agriculture is to come up with a wheat program which is sound, workable, and acceptable to the American farmer.

I am happy that the leadership of the Senate has not, thus far at least, taken the attitude of the leadership of the other body, the Secretary of Agriculture, and the President of the United States by indicating to Americans that they will do nothing whatsoever now to try to meet the problem existing in the Wheat Belt. I expect a better and more constructive type of leadership in the Senate. I am confident that before this Congress ends, some corrective legislation will be enacted for the wheat producers of America.

Mr. President, I send to the desk for appropriate reference a bill to continue for the 1964 and 1965 crop years the wheat program in effect for the 1963 crop year. I also ask unanimous consent that there be printed in the RECORD at this point a copy of the press release which I issued yesterday on the subject soon after the results of Tuesday's wheat referendum was publicized.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the press release will be printed in the RECORD as requested by the Senator from South Dakota.

The bill (S. 1581) to continue for the 1964 and 1965 crops of wheat the program in effect for the 1963 crop of wheat, introduced by Mr. MUNDT (for himself, Mr. CARLSON, and Mr. YOUNG of North Dakota), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The release presented by Mr. MUNDT is as follows:

Senator KARL MUNDT, Republican, of South Dakota, announced today that he will introduce on Thursday legislation to extend the 1963 wheat program for the years of 1964 and 1965.

Senator MUNDT who supported a "yes" vote in the wheat referendum said here today, "The farmers have spoken loud and clear in rejecting the complicated wheat certificate proposal which the administration pushed through the Congress a year ago over the protests of many of us who voted against last year's legislation as being unnecessarily restrictive, coercive, and complicated. However, the political steamroller operated by the administration against the wishes of many Members of Congress resulted in the rejection of all perfecting amendments at that time. Now the wheat farmers have rejected the administration's wheat proposal. They had no third choice such as I had proposed with my amendment last year; namely, that of voting for extension of the 1963 wheat program for another 2 years.

"In my opinion," MUNDT said, "as indicated by the almost 2-to-1 vote in the wheat-producing Dakotas, there remains much support in the Farm Belt for a workable, simplified, two-price system for wheat and I regret the fact the proposal voted on was so complicated and confusing. Furthermore, the unrelenting and almost hysterical oversell of the program conducted by Secretary Freeman and the Department of Agriculture alienated many potential "yes" votes. American farmers do their own thinking and are more easily lead than frightened or bluffed. Farmers prefer factual discussions to the force feeding of information or the scare stories by Department of Agriculture employees who are subjected to loyalty oaths.

"The legislation which I am introducing would continue the 1963 crop year wheat program through the 1965 crop year. It would hold the line for the wheat producer while Congress continues to evolve improved wheat legislation which I hope would give recognition and appropriate reward to the superior strains of wheat produced in the Northwest. I shall press vigorously for congressional approval of a new wheat program and I cannot conceive that the administration will stubbornly oppose all efforts in the Congress to correct the financial difficulties confronting the wheat producer as a result of a chain of circumstances created by the administration by its handling of the farm legislation in 1962 and the referendum campaign this year. Congress just enacted legislation extending the feed grain program for another 2 years. Congress should do no less for the wheat producers. I hope the Democratic leadership in the Congress will now show the same concern for the wheat farmers as they did for the feed grain producers and move this legislation rapidly through the Congress so that it can become the law of the land in time for application to 1964 crops.

"In fact," MUNDT said, "I predict that before adjournment, right will prevail, and the administration will withdraw its opposition to this helpful wheat legislation. The votes yesterday did not solve our wheat problem. We must now proceed to enactment of a more acceptable and functional wheat program."

CONSTRUCTION OF MICHAUD FLATS IRRIGATION PROJECT

Mr. CHURCH. Mr. President, I introduce, for appropriate reference, a bill to amend the act of August 31, 1954 (68 Stat. 1026), providing for the construction, maintenance, and operation of the Michaud Flats irrigation project in Idaho.

Under the original act, it was provided that prior to the undertaking of construction, a contract or other arrangement must be made with respect to a water supply for the Michaud division lands. Much of the land included in the Michaud Flats irrigation project are Indian lands. The contract requirements with respect to tribal lands of the Bannock-Shoshone Tribe have been satisfied by a tribal resolution and ordinance. With respect to allotted lands, however, both the consent requirement and the limitation of water supply requirements call for a contractural agreement of the landowners. Contract forms have been prepared and many of them signed by non-Indian land owners. Difficulty has been experienced, however, in obtaining the signatures of all landowners of Indian allotments. This is due mostly to the fractionated heirship status of the land and the difficulty of procuring the addresses of minority interest landowners. Many of these heirs are scattered throughout the United States.

The proposed bill authorizes the Secretary of Interior to execute a contract on behalf of any Indian holding an individual interest in trust or restricted land where the contract has been signed by or on behalf of a majority of the interests in the land. The Secretary may also execute the contract on behalf of any Indian who is a minor, or who is deemed by the Secretary to be in need of assistance in managing his affairs, or who after reasonable search cannot be located. This authority is needed if Indian-owned lands are to make beneficial use of water on the Michaud division of the Fort Hall Indian Reservation.

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

The bill (S. 1582) to amend the act of August 31, 1954 (68 Stat. 1026), providing for the construction, maintenance, and operation of the Michaud Flats irrigation project, introduced by Mr. CHURCH, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

CONTRACT NEGOTIATED WITH NEWTON WATER USERS' ASSOCIATION, UTAH

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to have a contract negotiated by the Newton Water Users' Association renegotiated. I ask that the bill be received and referred to the appropriate committee.

This is a bill for a repayment contract for the Newton Water Users' Association, in Cache County. The project was approved in October 1940, under the Water Conservation and Utilization Act, but, because of the war, was not constructed until 1946. The cost was $712,591. The reimbursable share was set at $350,000, repayable in 40 equal annual installments. The association has met each payment, except in 1961, when part was deferred by public law.

Because of the variable water supply, the association has found it difficult to pay the fixed annual charge, and wants to repay the remaining charges on a variable basis, related to the amount of water delivered. Before the Department of the Interior can execute the contract, legislation is necessary, because repayment will go beyond the 40-year repayment period.

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

The bill (S. 1584) to approve a contract negotiated with the Newton Water Users' Association, Utah, to authorize its execution, and for other purposes, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

CONSTRUCTION OF A DAM AND RESERVOIR ON MILL CREEK, GRAND COUNTY, UTAH

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to authorize construction of a dam and reservoir at Mill Creek, in Grand County, Utah.

Mr. President, nothing holds greater promise for the future of the people of Utah than the full development of their slender water resources. This year my State is again facing a serious water shortage, and 8 of its southern counties have already been designated as drought areas, based on the April 1 water supply forecast of only 19 to 40 percent of the 15-year average for the area.

The people of Grand County, Utah, where present forecasts for streamflows are ranging between 15 and 50 percent of normal, are particularly anxious to adopt feasible means of conserving for beneficial use every drop of water which falls in their arid section of the State. Too much of this precious water is now being lost. Even in good water years, streams flood in the springtime, and during cloudbursts, to destroy farms and homes, only to run completely dry by midsummer and fall. This year those streams will be dry much earlier than usual.

At my request, the U.S. Corps of Engineers began a study, some time ago, of Mill and Pack Creeks, in Grand County, which in the cloudburst season have been flooding into the basements and homes of some of the newer areas of the town of Moab, and destroying considerable property in this important county seat. On May 7, a public hearing was held in the courthouse there, and was attended by about 140 people, including representatives of the town of Moab, of Grand County, of agencies of the State of Utah, of Federal agencies, and a representative of General Frye, South Pacific Division engineer, together with members of the district engineer's staff and the district engineer.

This hearing brought out very forcibly the interest of the people of the area in the construction in the Mill and Pack Creek Valleys of a multiple-purpose dam which would control floods, make water available for domestic and irrigation uses, and establish a recreation area around the dam. The location recommended by the local people was the Plainfield site, on Mill Creek, about 2 miles above the city of Moab. The people also indicated their desire for channel improvements on both Mill and Pack Creeks, within the city of Moab.

I realize that it will take some time to evaluate the studies already made, and to undertake the further investigations which will be necessary before it can be determined whether such a plan is economically justified. I am well aware, also, that further investigations may develop a site considered more satisfactory than the Plainfield site. But I am convinced that the Mill Creek and Pack Creek Valley has a potential of far greater water resource development than has yet been planned, and I want to do everything possible to move forward a multiple-purpose project. I am, therefore, today introducing a bill to authorize such a project, to be constructed by the Chief of Engineers, U.S. Army, with appropriations of the necessary sums be provided to carry the project out.

Comprehensive and coherent development of the area's water resources now, under a plan which is sound, and will, therefore, avoid costly modifications later on, is most important to the people of this rugged and beautiful section of Utah. Tourism is a growing industry. Moab and Grand Counties are on the brink of a great economic development which will follow in the wake of the authorization of the Canyonlands National Park; and this is the time to be preparing the area to cope with that future growth.

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

The bill (S. 1587) authorizing construction of a dam and reservoir on Mill Creek in Grand County, Utah, in the interest of flood control and allied purposes, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Public Works.

EXPANSION OF COVERAGE OF NATIONAL DRIVER REGISTER SERVICE

Mr. CASE. Mr. President, I introduce, for appropriate reference, a bill to expand the coverage of the National Driver Register Service, which has been in operation in the Department of Commerce since July 1, 1961.

My own interest in establishing a national clearinghouse for information on traffic violations was aroused in the fall of 1959 after the tragic accident at North Brunswick, N.J., in which a tractor-trailer truck crashed into the rear of a bus. Eleven New Jersey college students and their professor lost their lives as a result of the ensuing holocaust. It was later learned that the driver of the truck had eight previous moving traffic violations on his record, but these offenses had occurred in three different States, none of which was aware of his total record.

The following spring, I introduced the first bill in the Senate to establish a national clearinghouse on traffic offenses. The version enacted by the Congress later that year, which I also introduced in the Senate, provided more restricted coverage than my original bill, but did represent a significant step forward in promoting highway safety. It authorized the Secretary of Commerce to establish a register containing the names of persons whose licenses have been revoked or suspended for one of two reasons: Driving while intoxicated and conviction of a traffic violation involving a fatality.

Beginning with the State of New Jersey, 46 States are now participating in the Driver Register Service, as are the District of Columbia, Guam, the Panama Canal Zone, Puerto Rico and the Virgin Islands. By the middle of May of this year, the Driver Register Service file had grown to 307,085 records of individuals whose licenses have been revoked or suspended. The Service is now handling between 10,000 and 11,000 search requests each day. With the aid of electronic computer equipment, the names of those applying for licenses in a State can be quickly checked against the central file in Washington. A report on them is put in the mail within 24 hours.

As of May 15, the Driver Register Service had made 20,361 identifications. However, helping the States to catch up with drivers who attempt to conceal their records is only one of the ways in which the Driver Register Service is helping to keep unsafe drivers off the roads. For it is clear that the Service also has an important deterrent effect. This was dramatically illustrated about a year ago, when an applicant for a driver's license in Arizona learned that his driving record would be checked with the National Driver Register Service. He bolted out of the examination room, colliding with a plate glass window in his effort to leave the premises.

It is estimated that about 54 percent of all revoked licenses have been taken away for driving while intoxicated. Convictions for offenses involving a highway death add approximately two-thirds of 1 percent more, so that approximately 45 percent of revoked licenses are still not eligible for inclusion in the National Driver Register.

The principal change proposed in my bill would be to permit the States to send in information on licenses which have been revoked or suspended for a period of 30 days or more, regardless of the reason for taking away the permission to drive a motor vehicle.

The need for such legislation is well illustrated by a letter which Mr. William M. Millen, Jr., Chief of the Driver Improvement Section of the New Jersey State Bureau of Motor Vehicles, wrote to

the Driver Register Service earlier this month:

We desire the above subject's name being placed on the National Driver Register Service. He has not been convicted of driving while under the influence of intoxicating liquor, nor has he been involved in a fatal accident; however, it is felt that his name should be on the National Driver Register, because it is believed that he may attempt to obtain a driver's license in some other State.

His record is of a most unfavorable nature. His driver's license is revoked for speeding, driving during suspension and obtaining a driver's license in an illegal manner.

Mr. President, I would like to point out that the Driver Register Service does not deny a license to anyone. Action on the information it provides remains at the discretion of State motor vehicle agencies. There is no good reason I can think of to keep the Driver Register Service files limited to two particular types of offenses.

My bill also proposes to permit agencies of the Federal Government to receive information from the National Driver Register Service. Unsafe drivers are a hazard, whether they are private citizens, military service personnel, or civil servants, and I believe it is evident that the Federal agencies which license drivers should be able to obtain the information available to the States.

The present cost of the Driver Register Service would not be substantially increased by the expanded coverage proposed in this legislation, for the machines of the Driver Register Service are capable of handling a substantially larger volume of traffic.

I hope that the Congress will act to broaden the coverage of the Driver Register Service so it can provide more of the same useful services to the States. Permitting it to handle information on license revocations, whatever the offense causing the revocation may have been, will be a further step in helping to keep unsafe drivers off our highways.

I ask unanimous consent, Mr. President, to have the text of my bill printed in the RECORD at the conclusion 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. 1589) to amend the act approved July 14, 1960, as amended, relating to the establishment of a register of names in the Department of Commerce of certain motor vehicle drivers, introduced by Mr. CASE, was received, read twice by its title, referred to the Committee on Commerce, 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 Act approved July 14, 1960 (74 Stat. 526), as amended, is hereby amended to read as follows:

"That the Secretary of Commerce shall establish and maintain a register containing (1) the name of each individual reported to him by a State or political subdivision thereof as an individual with respect to whom such State or subdivision has denied a license or the privilege to operate a motor vehicle, or with respect to whom such State or subdivision has terminated, or withdrawn for a period of thirty days or more, such individual's license or privilege to operate a motor vehicle; and (2) such other information as the Secretary may deem appropriate.

"SEC. 2. The Secretary of Commerce may, at the request of any State or political subdivision thereof, or of any Federal agency, furnish to such State, subdivision, or agency such information with respect to any individual as may be contained in the register established pursuant to the first section of this Act.

"SEC. 3. As used in this Act, the term 'State' includes each of the several States, Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Canal Zone, or any political subdivision of any of the foregoing."

AMENDMENT OF SECTION 14 OF FEDERAL-AID HIGHWAY ACT OF 1954

Mr. RANDOLPH. Mr. President, I introduce, by request, for appropriate reference, a bill to amend section 14 of the Federal-Aid Highway Act of 1954, in order to expedite the interstate planning and coordination of the Great River Road, a Mississippi River parkway to traverse the Mississippi River Valley from Canada to the Gulf of Mexico.

The proposed legislation is requested by the Department of Commerce and is submitted in accordance with an act approved August 24, 1949, in which Congress authorized a joint survey by the National Park Service and the Bureau of Public Roads of a route for a national parkway to be known as the Mississippi River Parkway, to follow the route of the Mississippi River.

I ask unanimous consent that the bill, together with an explanatory letter from the Secretary of Commerce to the President of the Senate, be printed at this point in the RECORD.

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

The bill (S. 1593) to amend section 14 of the Federal-Aid Highway Act of 1954 concerning the interstate planning and coordination of the Great River Road, introduced by Mr. RANDOLPH, by request, was received, read twice by its title, referred to the Committee on Public Works, 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 section 14 of the Federal-Aid Highway Act of 1954 (68 Stat. 70), is hereby amended to read as follows:

"For the purpose of expediting the interstate planning and coordination of a continuous Great River Road and appurtenances thereto traversing the Mississippi Valley from Canada to the Gulf of Mexico in general conformity with the provisions of title 23, United States Code, and with the recommended plan set forth in the joint report submitted to the Congress November 28, 1951, by the Secretaries of Commerce and Interior pursuant to the Act of August 24, 1949 (Public Law 262, Eighty-first Congress), there is hereby authorized to be expended by the Secretary of Commerce from general administrative funds not to exceed $500,000: *Provided,* That the amount expended under this section shall be apportioned among the ten States bordering the Mississippi River on the basis of their relative needs as determined by the Secretary of Commerce."

The letter presented by Mr. RANDOLPH is as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., May 17, 1963.

Hon. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. PRESIDENT AND MR. SPEAKER: The Department of Commerce has prepared and submits herewith as a part of its legislative program for the 88th Congress, 1st session, a draft of a proposed bill: "To amend section 14 of the Federal-Aid Highway Act of 1954 concerning the interstate planning and coordination of the Great River Road."

Under an act approved August 24, 1949 (63 Stat. 626), the Congress authorized the joint survey by the National Park Service of the Department of the Interior and the Bureau of Public Roads of this Department of a route for a national parkway to be known as the Mississippi River Parkway, following the route of the Mississippi River. The report following this survey was submitted to the Congress on November 28, 1951, by the Secretaries of Interior and Commerce in their letter of that date which stated that "since the existing roads are necessary to the economy of various localities, it is apparent that such a parkway plan should be developed by the States and continue under the administration of State highway departments. The needed road construction, reconstruction, and improvement can undoubtedly be done with regular apportionments under the Federal-Aid Highway Act, or by the States under their own programs, or by both means."

In 1954, under section 14 of the Federal-Aid Highway Act of 1954 (68 Stat. 70), the Congress authorized the expenditure, from general administrative funds of the Bureau of Public Roads, of $250,000 for the purpose of expediting the interstate planning and coordination of the Mississippi River Parkway, also known as the Great River Road, in general conformity with the recommended plan submitted in 1951. This amount was required to be apportioned among the 10 States bordering the Mississippi River in proportion to the amount allocated by these respective States for the improvement and extension of existing sections of this highway project as approved by the Secretary of Commerce in cooperation with other public agencies concerned.

In carrying out work authorized under the 1954 act, the Bureau of Public Roads, in cooperation with the National Park Service, has assisted each of these 10 States in studies and reports on general route locations. In certain States, studies have been completed or are in progress of delineating needed land acquisition, scenic easements and control of access desirable to accomplish the objectives of a Mississippi River Parkway contained in the report of November 28, 1951. The amount presently authorized, however, will be insufficient for completion of these studies and reports in all of the States.

In order that the necessary planning and coordination may proceed without interruption, it is recommended that section 14 of the 1954 act be amended to increase by $250,000 the amount which may be expended from general administrative funds of the Bureau of Public Roads for this purpose. This proposed increase in the Great River Road limitation would not require an additional authorization as administrative funds of the Bureau are provided for under section 104(a) of title 23, United States Code, by deduction from sums authorized for Federal-aid highways.

It is also proposed that the authorization be allocated on the basis of relative need among the States bordering the Mississippi River, rather than in proportion to amounts allocated by these States for the improvement and extension of existing sections of the highway. Allocation on the basis of relative need would assure that the planning work will proceed in a uniform manner and that the objectives of the 1954 provision will be more readily accomplished.

The Department of Commerce recommends the enclosed draft bill for the favorable consideration of the Congress.

The Bureau of the Budget advises that there would be no objection to the submission of this proposed legislation from the standpoint of the administration's program.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce.

A MATCHING INCENTIVES PROGRAM OF FEDERAL CAMPAIGN FINANCING

Mrs. NEUBERGER. Mr. President, not all of our political practices are admirable, but surely one of the least palatable to Americans is the dominance of the large, private campaign contributions. For the prospective candidate to national political office, the first order of business in seeking election is the selling of his political beliefs, not to the electorate at large, but to the narrow financial constituency who must be prevailed upon to finance the campaign.

The surprising aspect off this narrow funding process is, not that it exists, but that the vast majority of legislators nevertheless exercise independent judgment and action. Yet the pressure to treat with sympathy the interests of one's major contributors is obviously great, and too often disrupts the freedom of judgment which a truly representative legislator must maintain.

Ironically, I know of no Member of this body who enjoys the frantic pursuit of funds which has become the constant counterpoint of every campaign. It is demeaning, where it is not an affirmative evil; and it is unworthy of the most powerful deliberate body in the world.

Nor is this a static situation. No one in Congress needs to be told of the explosion in the costs of adequate campaigning. Hundreds of thousands of dollars are consumed in today's campaigns by needs which were nonexistent as recently as 20 years ago. Television enables the presidential or congressional candidate to confront his electorate as intimately as does the local candidate who can call personally on his neighbors, who will elect him. It is no luxury for the candidate. It has become an absolute necessity. And extensive radio, billboard, and newspaper coverage are equally critical to the effective campaign.

For the prospective candidate contemplating such an undertaking, there is bitter truth in an old joke, slightly paraphrased:

> It makes no difference whether you're a rich candidate or a poor candidate, so long as you (or your friends) have money.

As a society, we are thus deprived of the services of men and women of talent and spirit who simply have not found the key to unlocking a sufficient campaign treasury. And, as an electorate, we are foreclosed from evaluating the attitudes, characteristics, opinions, and qualifications of our candidates, unless they are blessed with abundant funds.

Yet proposing campaign financing reform to Congress is not, as my husband, Senator Richard Neuberger, early discovered, a rewarding occupation. It is, of course, natural for those who have succeeded in the quest for political office to cherish an affirmative view of our present political processes and their own ability to exercise fierce independence. Nevertheless, the risks of the present situation are very real and they are great.

Eight years ago, Dick proposed a carefully circumscribed program of direct Federal aid to congressional and presidential candidates. His proposed legislation was warmly endorsed by law professors, political scientists, Republican and Democratic office-holders, and campaign workers who had been squeezed by the rigors of a modern election campaign. Newspapers and magazines throughout the country echoed his call for a fiscal bill of rights for the political candidate; and many of Dick's most distinguished colleagues joined him in this effort—along with them, the then Senator John F. Kennedy. At each session of Congress, Dick reintroduced his campaign financing bill, only to see it submerged time and again by the apathy of Congress.

The campaigns of 1960 furnished fresh evidence, if any was needed, of the massive financial pressures upon the candidates, inherent in all major election campaigns. The reported expenditures of the two major parties in the national campaigns alone reached nearly $20 million, as compared with $12.9 million in 1956, and $11.6 million in 1952. The Democrats in 1960 spent $3.8 million more than they had raised, while the Republicans incurred a deficit of $700,000.

At his press conference of May 5, 1961, President Kennedy spoke warmly of the need for Federal campaign financing:

> I wish and I hope that before we get into another presidential campaign, we can work out some system by which the major burdens of presidential campaigns on both sides would be sustained by the National Government, as suggested by Theodore Roosevelt, as suggested by Senator Neuberger—Dick Neuberger—when he was here.

On November 8, 1961, the President directed his newly formed Commission on Campaign Costs to make "recommendations with respect to improved ways of financing expenditures required of nominees for the Office of President, and Vice President." The report of the Commission, issued on April 18, 1962, with strong bipartisan support, proposed certain significant, if limited, reforms. Though the dictates of bipartisan unanimity obviously tempered the Commission's boldness, the Commission's recommendations nonetheless contained the seeds of meaningful campaign-financing reform.

The Commission's most substantial recommendation was a 50-percent income tax credit for contributions, up to $10, made to a party committee. The Commission also supported tax deductions for campaign contributions of $1,000 or less.

The tax credit is a salutary device. Provision for such credit was included in the legislation first introduced by Dick in 1956 and again by myself in the last Congress. Tax credits can serve to stimulate small contributions though I believe that a 100-percent credit would be a more effective stimulant than the 50-percent credit proposed by the Commission.

The $1,000 tax deduction—or the $500 deduction now proposed by the President—would be an affirmative evil. The average taxpayer in a tax bracket of 25 percent or under would still be making 75 percent of his donation out of pocket. The deduction is less likely to be a stimulus for him than it is to be a windfall to the taxpayer in the higher brackets who can and already does make $500 or $1,000 contributions.

The major novel contribution of the Commission to the public dialog on campaign financing was the concept of "matching incentives." Under a matching incentives plan as envisaged by the Commission, contributions in amounts of $10 or less per person raised by designated political committees would be deposited by those committees with an office of the U.S. Treasury, whereupon the money would be matched by a like sum from funds appropriated by Congress. The combined total would then be used to pay certain designated campaign expenses precisely as the Government pays its own bills—thus avoiding the possibility of abuse inherent in the direct transfer of funds to political committees.

Although the Commission suggested that Congress forbear enacting a matching incentives program for two successive presidential campaigns in the unlikely event that tax incentives alone prove sufficient to eliminate the defects in campaign financing, the President in his recent message to Congress on campaign financing urged us to consider the matching incentives program now.

Certainly we should not wait. While tax incentives may encourage the individual taxpayer to contribute to his party, a matching incentives program is essential to motivate the political committees to organize solicitation drives on a broad basis—drives which have not in the past been characterized by either enthusiasm or efficiency. A matching incentives program would hold out to the parties a doubling of their successes in small-gift fund raising. Without the stimulus of a matching incentives program, I doubt seriously whether tax incentives alone would produce sufficient numbers of small gifts to free candidates from the need to rely on major contributions from a narrow circle of sources.

For these reasons I am today introducing legislation to provide for a matching incentives program, substantially as envisioned by the Commission, except that I have provided that where a contribution is earmarked for the use of a particular candidate, the matching grant

must also be used to pay the expenses of the designated candidate. I hope that this legislation will be considered simultaneously with the administration's program of tax incentives.

This is a limited program, more severely circumscribed than those earlier proposed by Dick or by myself, but it will, if favorably acted upon, be a beginning. Fifty years ago President Theodore Roosevelt endorsed the principle of Federal contributions to campaign financing. It is time for a beginning.

Mr. President, I also ask unanimous consent that a statement by the Senator from New Jersey [Mr. CASE], who is supporting the proposal, be printed in the RECORD at this point in my remarks.

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

STATEMENT BY SENATOR CLIFFORD P. CASE

I am happy to join with Senator NEUBERGER in introducing a bill aimed at improving our system of financing political campaigns.

The need for improvement is generally recognized, by the press, by the public, indeed by the Congress itself. Yet for several years now Congress has given little or no attention to the problem. The last serious effort was made some years ago when the Rules Committee, of which I was then a member, worked long and hard on a bill to strengthen the Federal election laws. The bill reported out by the committee was built on further extension of the disclosure principle, a principle I heartily endorse. Although the bill was imperfect in several respects, it represented a step forward. Unfortunately, although the Senate acted favorably on the measure, the House failed to take it up and the measure died with the close of the 85th Congress in 1958.

The approach embodied in the bill introduced today—that of a system of matching incentives—is admittedly a novel one. It is not put forward as a final solution. Rather, in the face of mounting campaign costs, of which the Members of this body are certainly aware, it is presented as a fresh way of getting at an old problem.

First put forward by the President's Commission on Campaign Costs, it merits at the least, careful exploration. Hopefully it will serve to stimulate a comprehensive examination of the whole problem.

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

Mrs. NEUBERGER. I am glad to yield.

Mr. CLARK. I should like to commend my friend from Oregon for the initiative she has taken in this highly important area which involves the political morals of every Member of this body. I join the Senator from Oregon in urging support for the proposed legislation. I hope very much that arrangements can be made at an early date for hearings on this and other suggestions for enabling us to raise the funds needed to finance a political campaign without the present necessity of having large contributions from a relatively small number of givers, which, when that happens, puts all of us under undue obligation to those large donors.

I congratulate again the Senator from Oregon for the proposal, and as a member of the Committee on Rules and Administration, I shall do whatever I can to assure a prompt and full hearing.

Mrs. NEUBERGER. I appreciate the remarks of the distinguished Senator from Pennsylvania, who has so recently gone through a campaign. Those who are facing election next year are immediately confronted with the problem.

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

Mrs. NEUBERGER. I am glad to yield.

Mr. CLARK. I was shocked at the amount of money which was raised by both parties in Pennsylvania last year, every cent of which was spent, and most of which came, on the Democratic side, from relatively small donors. A significant part of what was raised did come from contributions in at least four figures. The Democratic State Committee, at one $100 dinner, attended by 13,000 Democrats, raised $1,300,000. As the candidate for the U.S. Senate I raised over $130,000 additional. The candidate on the Democratic ticket for Governor of Pennsylvania raised over $200,000 additional. I am confident that our Republican opponents raised at least as much and probably more.

A great deal of this expenditure is rendered necessary in a large State such as Pennsylvania, which has wide geographic areas, by the absolute necessity for a substantial amount of television and radio time.

I hope very much that ways and means can be found in the foreseeable future to require the donation, as a public service, of television time not only to presidential candidates but also to all statewide candidates—gubernatorial, senatorial, and candidates for other statewide office.

I also think that arrangements should be made by which congressional candidates should have a certain amount of free time from television stations located in or covering their congressional districts.

While I am in accord with the Senator from Oregon that it is important to stimulate small gifts from the grassroots, I have never been able to understand why television and radio stations—licensees of the airways from the Federal Government, with no vested interest whatever and no rights whatever except those given to them as a matter of grace by the Government—should not be required to make their fair contribution in terms of donated time to the proper working of the democratic process.

Mrs. NEUBERGER. I am entirely in sympathy with the fine remarks of my colleague, the Senator from Pennsylvania. The point of raising money for these elections has an unusual flavor in a State like Oregon, in which we do not seem to have very many donors who contribute in large figures.

Mr. CLARK. To the Democratic Party.

Mrs. NEUBERGER. That is correct. That means, in order to raise money for their campaigns, our candidates must go outside the State. A great deal of financing of campaigns for the U.S. Senate is from money raised in Beverly Hills, Calif., in New York, and perhaps some from the State of Pennsylvania and from the District of Columbia.

I think the people in our State should be encouraged to contribute through this method to their own representatives. I must say that I appreciate the support we receive from other States; however, this proposal seems a more reasonable and fair way to accomplish the objective.

Mr. President, I ask unanimous consent that the bill may be printed in the RECORD, and remain at the desk through June 5, for cosponsors.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and will be held at the desk, as requested by the Senator from Oregon.

The bill (S. 1595) to provide Federal assistance to national and State committees of political parties in the financing of campaigns for election of candidates for Federal office, introduced by Mrs. NEUBERGER (for herself and other Senators), was received, read twice by its title, referred to the Committee on Rules and Administration, 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 this Act may be cited as the "Federal Election Campaign Assistance Act of 1963".

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. Congress finds that it is in the national interest that voters in elections for Federal offices should have opportunities to judge competing candidates and their programs on fair and equal terms before choosing among them, and that the dominant importance of large, private campaign contributions should be eliminated from such Federal elections.

Free and untrammeled representation of the public interest is possible only when men and women in high Federal office are not indebted for large financial campaign gifts to private donors who feel a special interest in Federal legislation and policies.

Substantial inequality among candidates, with respect to campaign financing, imperils the democratic premises of free and informed choices by the citizen, particularly in an era when access to the most compelling media of public information is increasingly decisive and costly.

Government contributions to the essential costs of major election campaigns in direct partial assumption of certain costs, through Federal matching of small, individual contributions, offer the most effective means to assure citizens of exercising their choice of government on fair and equal terms, to prevent private persons and groups of great wealth from unduly influencing the conditions of that choice, and to eliminate the undesirable and undemocratic significance of candidates' dependence on large, private campaign gifts.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "political committee" means—

(A) The national committee (not to exceed one for each party) of a qualified political party; or

(B) A State political committee (not to exceed one for each party in each State) designated by such a national committee of a qualified political party.

(2) The term "qualified political party" means—

(A) In the case of contributions received or expenses incurred during a calendar year in which the electors of President and Vice President are chosen, a political party presenting candidates or electors for such offices on the official election ballot of 10 or more States, or

(B) In the case of contributions received or expenses incurred during any other cal-

endar year, a political party which met the qualifications described in subparagraph (A) in the last preceding election of a President and Vice President.

(3) The term "political contribution" means a gift of money to a political committee, and includes any such gift designated for use only on behalf of a particular candidate in an election, but does not include a gift to the State political committee of a State other than the State of residence or employment of the contributor.

(4) The term "election" means a regular, special, or general, election for Federal elective office, with respect to which the names of two or more candidates for election to the office have been and remain qualified for presentation on the ballot, and includes the election of a slate of presidential electors by votes cast for the names of candidates for President and Vice President, or the vote of the electoral college.

(5) The term "Federal elective office" means the offices of President or Vice President, electors of President or Vice President, Senator, or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

(6) The term "State" includes any territory, District, or Commonwealth in which an election may be held.

(7) The term "Fund" means the Election Finance Fund established by section 3(a).

(8) The term "Secretary" means the Secretary of the Treasury.

ELECTION FINANCE FUND

SEC. 3. (a) There is hereby established in the Treasury of the United States a fund to be known as the Election Finance Fund.

(b) There shall be deposited in the fund to the credit of a political committee—

(1) So much of any political contribution by an individual to such committee in any calendar year as does not exceed $10 and as is transmitted to the Secretary for that purpose; and

(2) An amount equal to the amount deposited under paragraph (1), to be paid from the appropriation authorized by section 5.

PAYMENT OF CAMPAIGN EXPENSES

SEC. 4. (a) Upon application by a political committee the Secretary is authorized to pay, from the amount to the credit of such committee in the Fund, the expenses incurred or assumed by it in connection with a campaign for election of one or more candidates for Federal elective office. Such expenses shall be limited to, expenses of (1) printing or other reproduction of campaign materials, (2) films and recordings, (3) advertising space or facilities, (4) broadcast time, (5) office rent, equipment and supplies, (6) postage, and (7) telephone and telegraph service, and shall not include the personal, traveling, or subsistence expenses of individuals or payments to any individual for personal political activities.

Amounts deposited in the Fund to the credit of a political committee under Section 3(b) (1) and (2), which are attributable to a gift designated for use only on behalf of a particular candidate, shall be available only for payment of expenses incurred or assumed by the committee on behalf of such candidate.

(b) An application for payment under this section shall be in such form, and be accompanied by such bills, vouchers, or other information as shall be required by the Secretary. Such payments shall be made directly to the supplier of the goods or services with respect to which the bills or vouchers are submitted.

(c) Amounts deposited in the fund under section 3(b) to the credit of a political committee shall be available only for use in the payment of expenses incurred by such committee during the calendar year in which the contribution to which the deposit is attributable was received by the committee, but any such amount which remains unexpended may be permitted to remain in the fund for a period of one year following the end of such calendar year for use in the payment of such expenses.

(d) Any amount deposited in the fund to the credit of a political committee under section 3(b)(1) may, so long as it remains unexpended, be withdrawn by such committee upon application to the Secretary. Any such unexpended amount which is not so withdrawn and which remains in the fund at the end of the year following the calendar year in which the contribution to which the deposit is attributable was received shall be returned to the political committee. In any case in which any amount deposited to to the credit of a political committee under section 3(b)(1) is withdrawn by or returned to the committee under this subsection, the corresponding amount deposited to the credit of the committee under section 3(b)(2) shall be withdrawn from the fund and covered into the general fund of the Treasury.

APPROPRIATIONS

SEC. 5. There are hereby authorized to be appropriated such amounts as may be necessary to enable the Secretary to make the deposits referred to in section 3(b)(2).

REGULATIONS

SEC. 6. The Secretary is authorized to promulgate such regulations as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 7. This Act shall become effective on January 1, 1964.

NOTICES OF MOTIONS TO SUSPEND THE RULE—AMENDMENTS TO INTERIOR DEPARTMENT AND RELATED AGENCIES APPROPRIATION BILL

Mr. YOUNG of North Dakota 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 suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 5279) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1964, and for other purposes, the following amendment; namely: On page 7, line 2, after the word "Colorado," insert the following: ": *Provided further*, That not to exceed $450,000 shall be for assistance to the Newtown, North Dakota, Public School District Numbered 1, for construction of an addition to the Newtown Public School".

Mr. YOUNG of North Dakota also submitted an amendment intended to be proposed by him to House bill 5279, making appropriations for the Department of the Interior and related agencies, for the fiscal year ending June 30, 1964, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. MUNDT 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 suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 5279) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1964, and for other purposes, the following amendment; namely: On page 5, line 18, after $88,350,000" insert the following: ": *Provided*, That not to exceed $477,645 may be available for assistance to the State of South Dakota or any political subdivision thereof for enforcement of State civil or criminal laws within the Indian country in said State where such laws are applicable".

Mr. MUNDT also submitted an amendment, intended to be proposed by him, to House bill 5279, making appropriations for the Department of the Interior and related agencies, for the fiscal year ending June 30, 1964, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. ANDERSON 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 suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 5279) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1964, and for other purposes, the following amendment; namely: On page 7, line 2, after the word "Colorado," insert the following: "*Provided further*, That not to exceed $370,000 shall be for assistance to the Grants, New Mexico, Municipal School District Numbered 3, Valencia County, New Mexico, for construction of an addition to the public high school serving the Pueblos of Leguna and Acoma."

Mr. ANDERSON also submitted an amendment, intended to be proposed by him, to House bill 5279, making appropriations for the Department of the Interior and related agencies, for the fiscal year ending June 30, 1964, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. MOSS 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 suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 5279) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1964, and for other purposes, the following amendment; namely: On page 24, line 9, after the word "therein," insert the following: "(including improvements of the county road from Brigham City, Utah, to the headquarters Bear River Migratory Bird Refuge)".

Mr. MOSS also submitted an amendment, intended to be proposed by him, to House bill 5279, making appropriations for the Department of the Interior and related agencies, for the fiscal year ending June 30, 1964, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. JACKSON 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 suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 5279) making appropriations for the Department of the Interior and related agencies for the

fiscal year ending June 30, 1964, and for other purposes, the following amendment; namely: On page 9, line 10, after the word "Secretary", insert the following: ", except that tribal funds derived from appropriations in satisfaction of awards of the Indian Claims Commission and the Court of Claims shall not be further appropriated until a report of the purposes for which the funds are to be used has been submitted to the Senate and House Committees on Interior and Insular Affairs and those purposes either have been approved by resolution of each of said committees or have not been disapproved by resolution of either of said committees within sixty calendar days from the date the report is submitted, not counting days on which either House is not in session because of an adjournment of more than three calendar days to a day certain".

Mr. JACKSON also submitted an amendment, intended to be proposed by him, to House bill 5279, making appropriations for the Department of the Interior and related agencies, for the fiscal year ending June 30, 1964, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. HAYDEN 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 suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 5279) making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending June 30, 1964, and for other purposes, the following amendment; namely: On page 7, line 7, after the word "expended", insert the following: ": *Provided*, That not to exceed $15,870 shall be available for reimbursing the city of Winslow, Arizona, for the cost of improvements to streets and appurtenant facilities adjoining property under the jurisdiction of the Bureau of Indian Affairs".

Mr. HAYDEN also submitted an amendment, intended to be proposed by him, to House bill 5279, making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending June 30, 1964, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

PROMOTION OF PUBLIC CONFIDENCE IN THE INTEGRITY OF THE CONGRESS—ADDITIONAL COSPONSOR OF BILL

Mr. CASE. Mr. President, on behalf of my cosponsors and myself, I ask unanimous consent that the name of the senior Senator from Tennessee [Mr. KEFAUVER] be added as a cosponsor of S. 1261, "to promote public confidence in the integrity of Congress and the executive branch," and that his name be included as a cosponsor in future printings of the bill.

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

NATIONAL SERVICE CORPS—ADDITIONAL COSPONSOR OF BILL

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the name of the Senator from North Dakota [Mr. BURDICK] may be added as an additional cosponsor of Senate bill 1321, the bill to establish a National Service Corps.

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

SELECT COMMITTEE TO STUDY RAILROAD FINANCING—ADDITIONAL COSPONSOR OF RESOLUTION

Mr. HARTKE. Mr. President, I ask unanimous consent to have the name of the junior Senator from Ohio [Mr. YOUNG] added as a cosponsor to Senate Resolution 136, a resolution establishing a Select Committee To Study Railroad Financing, which I submitted in the Senate on May 8, 1963.

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

ADDITIONAL COSPONSORS OF BILLS, JOINT RESOLUTION, CONCURRENT RESOLUTION, AND RESOLUTION

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

Authority of May 14, 1963:

S. 1534. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by stabilizing the domestic lead and zinc industry, and for other purposes: Mr. ALLOTT, Mr. BARTLETT, Mr. DOMINICK, Mr. EDMONDSON, Mr. ENGLE, Mr. KEFAUVER, Mr. LONG of Missouri, Mr. MONRONEY, and Mr. NELSON.

Authority of May 15, 1963:

S. 1541. A bill to amend title 18, United States Code, to make unlawful certain practices in connection with the placing of minor children for permanent free care or for adoption: Mr. BOGGS and Mr. BURDICK.

S. 1542. A bill to provide for the establishment of a program of Federal unemployment adjustment benefits, to provide for equalization grants, to extend coverage of the unemployment compensation program, to establish Federal requirements with respect to the weekly benefit amount and limit the tax credits available to employers in a State which does not meet such requirements, to establish a Federal requirement prohibiting States from denying compensation to workers undergoing training and deny tax credits to employers in a State which does not meet such requirement, to increase the wage base for the Federal unemployment tax, to increase the rate of the Federal unemployment taxes, to establish a Federal unemployment adjustment and equalization account in the Unemployment Trust Fund, to change the annual certification date under the Federal Unemployment Tax Act, to provide for a Special Advisory Commission, and for other purposes: Mr. CLARK, Mr. DOUGLAS, Mr. GRUENING, Mr. MCGEE, Mr. METCALF, Mr. MORSE, Mr. RANDOLPH, and Mr. WILLIAMS of New Jersey.

S. Con. Res. 42. Concurrent resolution establishing the Joint Committee on National Security Affairs: Mr. CLARK and Mr. ENGLE.

Authority of May 16, 1963:

S.J. Res. 82. Joint resolution proposing an amendment to the Constitution of the United States relating to residence and physical presence requirements for voting in presidential and vice presidential elections and for voting in election for U.S. Senators and Members of the House of Representatives: Mr. HUMPHREY and Mr. PELL.

Authority of May 8, 1963:

S. Res. 136. Resolution establishing a Select Committee To Study Railroad Financing: Mr. BURDICK, Mr. CANNON, Mr. CHURCH, Mr. GORE, Mr. HART, Mr. KEATING, Mr. MCCARTHY, Mr. MCGEE, Mr. METCALF, Mr. MORSE, Mrs. NEUBERGER, Mr. PROXMIRE, Mr. TALMADGE, Mr. WILLIAMS of New Jersey, and Mr. YARBOROUGH.

NOTICE OF HEARINGS ON GOVERNMENT IN METROPOLITAN AREAS

Mr. MUSKIE. Mr. President, I would like to announce for the information of the Senate and other interested persons that the Senate Subcommittee on Intergovernmental Relations has scheduled joint hearings with the House Subcommittee on Intergovernmental Relations on the subject of "Government in Metropolitan Areas." These hearings will be held in New York City on June 7, 8, and 10.

Selected public officials in the New York metropolitan region have been invited to present their views on the nature of governmental problems and the role of the Federal and State governments in the metropolitan area affairs.

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. MCINTYRE:

Address delivered by Senator MUSKIE before the American Public Power Association, Cleveland, Ohio, on May 2, 1963:

By Mr. HARTKE:

Address delivered by Hon. Douglas Dillon, Secretary of the Treasury, at the sixth annual University of Connecticut Loeb Awards Presentation Luncheon, New York City, on Wednesday, May 22, 1963.

Article entitled "Uncompensated Counsel: They Do Not Meet the Constitutional Mandate," written by Senator SAM J. ERVIN, Jr., and published in the American Bar Association Journal of May 1963.

By Mr. RANDOLPH:

Excerpts from speech by Hon. LESLIE C. ARENDS, U.S. Representative from Illinois, at the 1963 Advertising Woman of the Year Luncheon, at the Washington Hotel, Washington, D.C., May 23, 1963, along with remarks by C. Bedell Monro, president, United Service Associates, at that event.

CIVIL RIGHTS

Mr. JAVITS. Mr. President, on Tuesday of this week, when the Senate was last in session, the Senator from Mississippi [Mr. STENNIS] made a statement about the presence of Federal troops in Alabama which I stated I would answer. I now rise for that purpose.

The Senator from Mississippi objected to the President's having stationed troops on the alert in Alabama for possible use in Birmingham. I think that what is missing on the part of any spokesmen for this point of view—the Senator from Mississippi and others—is that they fail to recognize that Negroes are citizens not only of their States but also of the United States. Therefore

they have privileges under the Constitution of the United States which deserve—and, indeed, demand—protection and safeguards. What is involved in Birmingham is a violation of the rights of citizens as citizens of the United States in the denial to them of freedom under the first amendment to assemble and petition for the redress of grievances.

Where we have fallen down is that we have no law which would enable the Attorney General to go into court and assure that right for citizens. The Attorney General has said that he has no such authority because Congress did not enact the necessary legislation. I hope the President, who is now making up his mind as to enlarging his package of civil rights bills—and it is high time that he did so—will understand that the key issue which must be decided here if he desires the desegregation question handled in the courts rather than in the streets—which is what the President has said he does desire—is the need for giving a broad range of power to the Attorney General at least to get the question into the courts.

The Attorney General has said he cannot sue in cases like those involved in Birmingham. He has also said that what took place in Prince Edward County, Va., where his attempt to intervene as a party in a school desegregation case was rejected, shows that the courts will not permit him to bring suit in the absence of congressional action. So if the President really desires to give an answer to points of view such as that expressed by the Senator from Mississippi [Mr. STENNIS], which challenges present Executive power to do anything, he must come to the Congress and put the Executive muscle behind a bill along the lines of the so-called part III proposal, which would enable the Attorney General to go into court in such cases.

I do not think there is any question under the law that the President had authority to station troops in Alabama for possible use there. The law as contained in section 333 of title 10 of the United States Code, not only authorizes, but requires, the President as follows:

> The President shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—
>
> (1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or
>
> (2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.
>
> In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

That is the whole issue which is at stake. The laws of the United States prevail in the State of Alabama, including the constitutional right to assemble and petition for the redress of grievances. If the Governor of Alabama and the officials of the State of Alabama will not protect citizens of Alabama under those laws, the United States has a duty to do so.

Mr. President, the Negro community took to the streets. I point out that, even with the great frustrations and provocations in Birmingham, including the use of fire hoses, police dogs, and clubs, there has been extraordinarily little violence. There has been some violence, but there has been evidence of great restraint on the part of the Negro community. Even in Birmingham, what the people were seeking was nothing but their elementary rights as U.S. citizens. That is the whole issue in civil rights. Citizens are citizens of their States, yes; but the people are also citizens of the United States, and as the Constitution of the United States is the supreme law, the United States can nullify a State law which is contrary to the Constitution. The United States can prevent a State from enforcing such law, and can protect the citizens of the United States in that State when he seeks to exercise rights which that State seeks unconstitutionally to deny him.

That is the fundamental question which is before the Senate—a question from which my good and distinguished friend the Senator from Mississippi [Mr. STENNIS] and other similar spokesmen prefer to avert their eyes. But that is it; and until we enforce those rights, law and order will not be given the opportunity to prevail.

EQUITY'S 50TH ANNIVERSARY

Mr. JAVITS. Mr. President, by designating this week as National Actors Equity Week, the Congress has done honor not only to a distinguished American trade union on its 50th anniversary, which we are celebrating on May 26, but to a great profession as well. Every free society has cherished its theater and the actors in it who have, in each age, fulfilled their mission "to hold as 'twere the mirror up to nature." In a living democracy, the living theater is welcomed. The mirror which the free spirits of the acting profession hold before us is often an instrument of valued self-appraisal. Totalitarianism rejects a truthful reflection of its own monstrous ways; and so it is, that wherever freedom is to be shackled, it is the actor who is first placed in chains. There is probably no group in Russia today that is giving Mr. Khrushchev more trouble than the artists of the stage, of music, of the canvas.

The actor is not only an artist. He is also a human being and the treatment of himself and of his profession becomes a reflection of the society of which he is a part. Mr. Lee Strasberg, director of the New Actors Studio Theater in New York, has observed:

> In the glory of Greece, the actor received the respect due to a serious worker in an art sanctioned by the State. But in Roman times, only slaves could be actors, and there begins the separation between the adulation shown to the actors' art and the condemnation of the actors' person and profession.

Although we model our basic society from the Greeks, we have only recently come to realize that the strength of Greek thought in the ways of governing men derived from a culture that also understood the value of theater and the other performing and visual arts.

It is extremely unfortunate, then, that the American actors' lot has not been a happy one. He has had to fight against the apathy and indifference that stems from ignorance of the role which theater plays in a free culture.

Actors Equity, the union we honor this week, has done more than any other institution in our American life to bring to the actor and to the theater the honor and the dignity so well deserved and so well understood in ancient democracies. Last week's issue of Life magazine told the Equity story:

> Fifty years ago, actors were third-rate people; they rehearsed endlessly without salary; they furnished their own costumes and when a play faltered, were abandoned on the road without a smile or a return trip ticket. The actors formed Equity in 1913. Six years later, the infant union revolted against the hardships it suffered. Actors walked off stage. After 30 days of the strike the producers gave in to all of Equity's demands. Over the next years, the union fought many a bitter battle, winning everything from sanitary dressing rooms to desegregation of theater audiences.

But, Equity and the American theater have a long road still ahead. For although today we do the actor honor for his spirit and his skill, he still is found most often among the ranks of unemployed in what is the most distressed of economic activity in our Nation. And, although today the actor and his Union have prestige, his Government has largely ignored his economic plight. We persist in taxing his income as if it was steadily earned when, in fact, the actor knows no steady income; we persist in taxing the theater as if it was a dispensable luxury, which most great civilizations know it is not. We have fashioned unemployment insurance laws that bar the actor from its benefits because he must travel from State to State to bring his art to all our people; we have failed to support the living theater as a civic obligation akin to that of providing libraries and schools. Indeed, it is ironic that we admit the need for supporting libraries in which the works of Shakespeare, Moliere, and other great plays can be offered in bookform, but we close our eyes to the fact that millions of our children are being denied the opportunity to see and hear the classics in the theater for which they were written.

I have, together with others of my colleagues, introduced legislation to correct what is an appalling situation in the relationship between the American theater and the National Government. I have addressed this body before regarding the need for action on these matters. I shall speak out again, I assure you.

At this time, however, as we observe the 50th anniversary of Actors Equity Association, I think it befitting to call your attention to that scene in Hamlet wherein Hamlet admonishes his palace lords:

> Will you see the players well bestowed? Do you hear, let them be well used; for they are the abstracts and brief chronicles of the time; after your death, you were better have

a bad epitaph than their ill report while you live.

When we passed a resolution observing National Actors Equity Week, this Congress in a sense said to America's actors, "You are welcome, masters." I trust that we will soon see to it that they are also "well bestowed."

ON HIS OWN FEET

Mr. YOUNG of Ohio. Mr. President, as a Senator from the State of Ohio, I receive almost daily letters from constituents in my State denouncing price controls and price supports for farm products, and all welfare legislation. During the last 2 days, since the wheat referendum, we have heard more talk in Washington to the effect that citizens are sick and tired of price supports and interference by the Federal Government in the daily lives of the people of our country.

In that connection I should like to tell a story about a young man who lived with his parents in a low-cost public housing development in Hamilton County, Ohio.

He attended public school, rode the free school bus, enjoyed the free lunch program. Following graduation from high school, he entered the Army and upon discharge kept his National Service Life Insurance, as all of us who were in the Armed Forces do, or should do. He then enrolled in an Ohio university, receiving regularly his GI check. Upon graduation, he married a Public Health nurse, bought a farm in southern Ohio with an FHA loan, and became a wheat farmer in my State. Later going into the feed and hardware business in addition to farming, he secured help from the Small Business Administration when his business faltered. His first baby was born in the county hospital. This was built, in part, with Hill-Burton funds. Then, he bought considerable additional acreage adjoining his farm, and obtained emergency feed from the Government. He then put part of his land under the Eisenhower Soil Bank Program and used the payments for not growing crops to help pay his debts. His parents, elderly by now, were living comfortably in the smaller of his two farm homes, using their social security and old age assistance checks. Though electricity at first was lacking, the Rural Electrification Administration supplied the lines, and a loan from the Farmers Home Administration helped clear the land and secure the best from it. A department of Agriculture agent suggested building a pond, and the Government stocked it with fish for my constituent. The Government guaranteed him a sale for his farm products. The county public library delivered books to his farm door. He, of course, banked his money in an institution which a Government agency had insured up to $10,000 for every depositor.

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

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

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

Mr. YOUNG of Ohio. Mr. President, as the community grew, he signed a petition seeking Federal assistance in developing an industrial project to help the economy of his area. About that time he purchased business and real estate at the county seat aided by a Federal Housing Administration loan. He was elected to office in the local chamber of commerce. It was rumored, after all those years, that he joined a cell of the John Birch Society in the county seat.

He wrote me, as one of his two U.S. Senators, protesting excessive Government spending and high taxes, and enclosed John Birch pamphlets, some containing outlandishly false statements, such as "Take the United Nations out of the United States, and the United States out of the United Nations"; and the suggestion of impeachment of Chief Justice Earl Warren, who, as we know, is one of the truly great men of our time. At one time he was the candidate for Vice President of the United States of that Grand Old Party of which you and I, Mr. President, are not members. He is a great, loyal, patriotic American.

He went on to say in his letter:

I believe in rugged individualism. People should stand on their own two feet, not expect Government aid. I stand on my own two feet. I oppose all those socialistic trends you have been voting for and demand return to the free enterprise system of our forefathers. I and my neighbors intend to vote against you next year.

SMALL BUSINESS SUPPORTS PRESIDENT'S TAX PROPOSALS

Mr. HUMPHREY. Mr. President, in the course of the national debate now under way concerning the President's proposals for tax reduction and revision, entirely too much emphasis has been given to the narrow question of who will get what. What many seem to have overlooked is the salutary effect on the entire economy, and thus on every citizen, of a revision of the Federal income tax structure designed to spur consumer demand and business growth.

We have heard support for such a program from the leaders of our largest businesses, as well as from organized labor. Until recently, however, there has been but little articulation of the extraordinary stake which the small business community has in such a program—and in the particularly beneficial treatment which the President has proposed for the 4½ million small business concerns.

I was therefore gratified to learn of the recent action which was taken by the National Small Business Advisory Council. The Council is a group of individuals from all parts of the country, appointed pursuant to the Small Business Act as "truly representative of small business."

The Council thus represents the views of an intelligent and enlightened cross section of the small business community.

The Council meeting this week in Washington has unanimously endorsed a program of tax reduction and revision along the general lines of that proposed by the President. The group met with the President in the White House Rose Garden on May 16 to advise him of their support for such a program.

I ask unanimous consent that the statement on tax revision, which was adopted by the Council, and the press release which was subsequently issued by the White House, be inserted at this point in the RECORD.

There being no objection, the press release and statement were ordered to be printed in the RECORD, as follows:

PRESS RELEASE BY NATIONAL SMALL BUSINESS ADVISORY COUNCIL

Members of the National Small Business Advisory Council met with President Kennedy at the White House today and presented the President with a statement pledging their support to a program of tax revision which would give maximum benefit to small business.

The statement recommended that such a program be enacted this year and "include a net reduction of individual and corporate taxes totaling about $10 billion and an immediate reversal of corporate normal and surtax rates."

Cortland J. Silver, St. Paul businessman and council vice chairman, in presenting the statement to the President said, "the small business community has a particular stake in a program of tax reduction to spur consumer demand and business growth and in a sensible program of tax revision which makes greater reductions possible through a broadening of the tax base."

Council members said they would lend their active efforts to bringing about widespread awareness, understanding and support of a tax program, "with the objectives and along the lines of that proposed by the President."

They said the President's tax proposals were carefully designed and timed to give the small businessman a reduction which is as large as possible in the context of a balanced program, and as rapid as possible in an atmosphere of fiscal integrity.

The statement asserted that small businessmen remain the chief victims of an economy operating at less than full capacity and that the current and prospective inadequacy of our economic performance is due in part to the present income tax structure which serves to retard incentive, discourage growth and check demand.

The business group that met with the President are members of the Council established in 1961 by Small Business Administrator John E. Horne.

An advisory group serving without pay, the Council advises on small business problems and needs, evaluates the effectiveness of SBA programs and recommends methods for improving them.

The group, comprised of outstanding business and professional men having a special knowledge of and interest in the problems of small business, is currently conducting a 2-day meeting here with SBA, congressional leaders, and officials of other Government agencies.

Text of the statement is attached.

TAX REVISION IN 1963

Whereas despite the striking advances made during the last 2½ years under the leadership of President John F. Kennedy, our national economy is performing at levels inadequate to make full use of our human and material resources; and

Whereas despite the vigorous attention and unstinting support which the administration has given to the small business community, the small businessman remains the chief victim of an economy operating at less than full capacity; and

Whereas the present Federal income tax structure, designed in a time of war and

postwar inflation to hold back both consumer demand and business expansion, now serves to retard incentive, discourage growth, and check demand and, therefore, must share responsibility for the current and prospective inadequacy of our economic performance; and

Whereas the small businessman, having less access to the capital markets than his larger competitor, is able to finance his progress only with difficulty, and is greatly hindered by a tax structure which makes a substantial retention of earnings virtually impossible; and

Whereas the small business community therefore has a particular stake in a program of tax reduction to spur consumer demand and business growth—and in a sensible program of tax revision which, while removing inequities in the tax structure, simultaneously makes greater reductions possible through a broadening of the tax base; and

Whereas the tax proposals recently presented to the Congress by the President offer the Nation a long-awaited opportunity to embark upon a vital program of tax reduction and revision; and

Whereas these proposals are carefully designed and timed to give to the small businessman a reduction which is as large as possible, in the context of a balanced program, and as rapid as possible, in an atmosphere of fiscal integrity:

Now therefore, we, the undersigned, all of whom are members of the National Small Business Advisory Council, a nonpartisan group of individuals appointed pursuant to the Small Business Act as truly representative of small business, do hereby:

1. Support a program of tax revision with the objectives and along the general lines of that proposed by the President. Such a program, to give maximum benefit to small business, should be enacted this year and should include a net reduction of individual and corporate taxes totaling about $10 billion and an immediate reversal of corporate normal and surtax rates.

2. Urge all members of the State and Regional Small Business Advisory Councils, and all other citizens devoted to the welfare of small and independent businesses, to promote widespread awareness, understanding and support of such a tax program.

3. Wholeheartedly concur with the President that, "Now is the time to act. We cannot afford to be timid or slow. For this is the most urgent task confronting the Congress in 1963."

Whereunto we have set our hands, this 16th day of May 1963.

Cortland J. Silver, vice chairman, Minnesota; Godfrey Bloch, Pennsylvania; Von Allan Carlisle, Illinois; Jacob Clayman, District of Columbia; Robert M. Cleckler, Alabama; Frank M. Cruger, Indiana; Madelyn S. Davidson, Vermont; Bryan E. Gibson, California; Louis E. Goldstein, New York; Weston E. Hamilton, Utah; David G. Kelly, North Dakota; Louis C. Kingscott, Jr., Michigan; Jack T. Lynn, Arkansas; Arthur Maciszewski, New Mexico; Hoke T. Maroon, Florida; Larston D. Farrar, District of Columbia; Felix A. Mirando, Rhode Island; Daniel J. Mooney, Montana; Clifton E. Morris, Delaware; Bob E. Myers, West Virginia; Frederick B. Nelson, Maine; George L. Pumphret, Massachusetts; J. Victor Richardson, Alaska; Francis A. Rondeau, Wisconsin; George E. Saunders, Colorado; Robert E. Short, Minnesota; C. J. Smith, Georgia; W. Eric Smith, District of Columbia; Sakae Takahashi, Hawaii; Clarence W. Wickham, North Carolina; William L. Ulmer, Ohio; Constantine N. Kangles, Illinois.

INJUSTICE DONE THE SHIPYARD

Mr. McINTYRE. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point an editorial from the Portsmouth, N.H., Herald entitled "Injustice Done the Shipyard," which deals with false and misleading newspaper and magazine reports on the loss of the submarine *Thresher*.

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

INJUSTICE DONE THE SHIPYARD

News that gets the biggest headlines usually draws the most attention, and this was unfortunately the case with testimony in the *Thresher* inquiry which raised doubts about the quality of workmanship at the Portsmouth Naval Shipyard.

Early in the proceedings of a Navy court of inquiry charged with investigating the *Thresher's* tragic loss, several witnesses made statements that gave a lurid impression of shipyard efficiency. They told of a faulty periscope installation, backward valves, and various other purported deficiencies.

To an untrained observer who lacked familiarity with the technical procedure of getting a submarine ready for sea, this all sounded quite shocking. And coming at a time when a sensitive and sorrowing public was eagerly watchful of every development in the *Thresher* inquiry, the testimony created a wide sensation.

Certain newspapers, and even the news magazines, reported the story almost as if they enjoyed it. The accounts were liberally flavored with hints of bungling that conjured a picture of wholesale ineptitude.

It made no difference that the witnesses responsible for the testimony in question were speaking with far less knowledge than they presumed to convey, or that their testimony was totally demolished later by experts of better qualification. The story was out and the damage was done.

Evidence of its impact is shown in a recent editorial published by the Haverhill, Mass., Gazette. Captioned "Intolerable Incompetence," this particular diatribe undertakes to demonstrate the dangers of ignorance by virtually pointing the finger of blame for the *Thresher's* loss at the shipyard.

The editorial makes free inference of dereliction at the shipyard, repeating the all refuted charges of defective workmanship, and suggesting that the situation constituted cause for a congressional investigation.

Then with an attitude of condescension, the editorial alludes to the fact that "Some of the proud working folk at the Portsmouth yard do not like to hear such criticisms."

Of course, the shipyard workers don't like to hear such comment. And with good reason—because there's no justification for it.

The Portsmouth yard has more brains and know-how among its personnel than any other submarine construction or repair facility in the world, and its record for excellence of workmanship fills some of the most honored pages in American naval history.

It's a gross injustice when these facts are overlooked for the sake of pure sensationalism and the shipyard's reputation is made to suffer.

Those critics who are so quick to remember a disagreeable bit of unreliable information about the Portsmouth shipyard's performance would be better prepared to render judgment if they heeded some of the other testimony presented before the present court of inquiry. They would know then that the local yard makes meticulous use of the most elaborate testing system employed anywhere to insure the safety of the submarines it builds.

Our purpose here isn't simply to defend the shipyard; it's a matter of counteracting pious frauds circulated by people who don't know what they're talking about. But despite the harm these might cause, we are confident that the shipyard will survive them.

THE THREAT TO THE U.S. LUMBER INDUSTRY FROM IMPORTS OF LUMBER

Mr. JORDAN of Idaho. Mr. President, in a recent release the able syndicated columnist Holmes Alexander, who is skilled in his research and accurate in his facts, discussed the U.S. softwood lumber industry. He has clearly presented, with facts and figures, what is happening to our domestic softwood lumber industry and to the men employed in this industry by reason of certain advantages which accrue to importers of foreign softwood lumber.

I ask unanimous consent that Mr. Alexander's column titled, "For Them or Us," as it was printed in the May 9 issue of a Riverton, Wyo., newspaper, may be printed in the RECORD at this point.

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

FOR THEM OR US?

(By Holmes Alexander)

WASHINGTON, D.C.—Jobs for Americans is going to be a continuing subject in this column, because it's plain that President Kennedy doesn't always give the matter the top priority it deserves.

He puts other things first—for instance, our relations with Canada. These relations were ruffled by some bungling diplomacy a while back, including the President's own back-of-the-hand attitude toward the then Prime Minister Diefenbaker and his Conservative Party.

Now that Canada has a more left-leaning domestic Government under Lester Pearson, there seems less chance than ever that Mr. Kennedy will do anything about the protection of American lumbering companies and their employees in our Northwestern and Southern States. American employment in lumbering has dropped from 361,000 to 160,000 between 1947–61.

Canada has a 10-percent tariff against American timber imports. We have a reciprocal tariff of only 1.5 percent, and no quota limitation at all. Canadian labor and stumpage charges are less than ours, and late in the Eisenhower era the Canadians rigged themselves another cost advantage. They commenced shipping British Columbian lumber on cheap rate vessels of Nigerian, Liberian, and Panamanian registry, through the Panama Canal to American markets in the Gulf of Mexico and the Atlantic seaboard. Canadian shipments accounted for a very high 13.6 percent of American consumption in February 1962. In February of this year, the percentage jumped to 17.1 percent.

We have a law, the Jones Act, which forbids shipping on foreign bottoms from one American port to another. But last year, in the confusion of the closing session, Senator MAURINE NEUBERGER pulled a fast move that benefited her Pacific Coast constituents. She obtained a 1-year Jones Act waiver which permitted shipping into Puerto Rico when suitable American vessels were not available. This year, Mrs. NEUBERGER has a bill that would allow shipping between all American ports, with the same proviso. The effect would be to help Northwest lumber, but it would result in a ruinous discrimination upon the Southern States where timber moves to its markets by railroads.

During late April and early May, the Senate Commerce Committee held regional meetings for southern lumbermen. Chairman STROM THURMOND heard anguished cries from a perishing industry. Canadian imports have already hit hard in the 12 Southern States. Between 1953–61, Canadian sales in this timber-rich region rose from 3,800 carload quantities to 14,800. From Mr. Truman's administration through Mr. Eisenhower's, southern sawmills dropped from 28,000 to 15,000, although the tree crop remained plentiful. Today the South grows 6 percent more timber than it is profitable to harvest.

There are a number of actions that the President could take to protect American enterprise and employment in the lumbering industry. He might lean on the Tariff Commission to give our side some realistic protection. He could use his Executive power to set a quota against excessive imports from over the famous unguarded border. He could throw his support behind congressional bills which would require: that lumber be marked as to nation of origin; that only American products be used in federally aided housing; that lumber from Canada must come in Canadian or American ships in order to enter American ports. All this legislation hinges upon the President's approval.

It will be said, and it's the standard argument, that we must build and keep friendly relations with our allies. But our economic and unemployment problems being what they are, the President should put his own country first. And Americans ought to be very insistent that he does.

Mr. JORDAN of Idaho. Mr. President, an editorial in yesterday's Washington Post entitled "Marked Wood" suggested that the new spirit of cooperation between our country and Canada dictates that the U.S. Congress no longer concern itself with legislation pending before it, designed to assist the domestic lumber industry. I request unanimous consent that the editorial be printed in the RECORD at this point.

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

MARKED WOOD

Now that a more amicable mood marks Canadian-American relations it would be a pity if Congress should approve a measure that could once more needlessly roil up the waters. Senator JORDAN of Idaho is proposing an amendment that would require the marking of imported lumber in order to indicate the country of origin. The proposal is clearly designed to give the Northwest lumber industry a weapon with which to curtail imports from across the border.

When hearings were held last March by the Senate Finance Committee, opposition testimony was overwhelming. Every interested executive agency—including the State Department, Tariff Commission, and Commerce Department—opposed the Jordan amendment. Important spokesmen for the lumber and homebuilding industry joined in the attack. And an aide memoire prepared by the Canadian Government noted that the amendment would conflict with U.S. treaty obligations and would have serious restrictive implications for Canada's trade with this country.

The amendment could be dismissed from attention were it not for the potent political support from Senators representing lumber States. To his credit, Senator MORSE, of Oregon, has not endorsed this shortsighted protectionist device. "There is now evidence which suggests," Mr. MORSE recently said, "that instead of constantly flailing away at the Canadian lumber industry, the domestic industry of the United States should join hands with its Canadian counterpart to determine a course of action which will protect and develop markets for lumber." This is the kind of constructive course that makes more sense than stamping an invidious brand on imported lumber.

Mr. JORDAN of Idaho. Mr. President, the senior Senator from Washington and I have sponsored legislation to require that all lumber imported into the United States be marked to indicate the country of origin. My bill, S. 957, was cosponsored by Senators ALLOTT, MCCLELLAN, MUNDT, SIMPSON, TOWER, and YOUNG of North Dakota. The senior Senator from Washington and I both testified before the Finance Committee in support of our proposal, pointing out that lumber is the only major product imported into the United States which does not have to be stamped as to the country of origin. The identification of lumber as to its place of manufacture would not restrict its purchase by any consumers here in the United States. Such marking would only indicate to the prospective purchaser where his goods were made. As sponsors of this legislation, we feel very strongly that consumers of lumber in this country ought to have the same protection as is afforded most other imported articles.

There apparently are those who do not understand the nature of the lumber industry in the United States. It is not made up of two or three large producers with large concentrations of capital which would easily permit research and development and marketing programs of the scope found in some American industries. The lumber industry is made up of between 40,000 to 60,000 small producers—all competing vigorously for U.S. lumber markets. It is the least concentrated of any major industry in the United States. And the lumber industry is a major industry, since it is the fourth largest employer of manufacturing labor in our country.

As my colleagues can appreciate, it is very difficult to get so many small producing units to cooperate in research and development efforts and in market improvement programs. Nevertheless, to their everlasting credit, the lumber industry embarked in 1958 on what has been a very successful national wood promotion program. Through voluntary contributions by individual lumber producers, $6 million has been spent by the various regional species associations and brand-name products. However, all of this effort is in jeopardy because of the entry of low-priced subsidized Canadian lumber into U.S. markets. The most recent figures released jointly by the Federal Trade Commission and the Securities and Exchange Commission show that the net profit rate after taxes of companies in the lumber and wood products industries for the fourth quarter of 1962 dropped to 2.1 percent of sales as compared to 4.8 percent for all manufacturing industries. The average profit level for the entire year of 1962 equaled 2.4 percent on sales for the lumber industry as compared to an average rate for all manufacturing industries in excess of 4.5 percent on sales. These are average figures and represent the experience of a sample of the more efficient and better financed companies. Many smaller lumber operators have not made any money in 2 years.

It is naive to expect the U.S. lumber industry to continue market development and research efforts when it seemingly results only in creating new markets for Canadian lumber, which certainly is not spending its money to develop U.S. markets.

Mr. President, the problems confronting the U.S. lumber industry are not limited to any single State of our great Union. I ask unanimous consent to have included in the RECORD at this point a letter which I received from Mr. Jim Parsons, manager of the North Idaho Economic Development Association, Inc., at Sandpoint, Idaho, which points out that in the 10 northernmost counties of Idaho there were 213 sawmills in operation in December 1961—and only 115 a year later.

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

NORTH IDAHO ECONOMIC DEVELOPMENT ASSOCIATION, INC.,
Sandpoint, Idaho, March 26, 1963.

EDITOR, THE WALL STREET JOURNAL,
San Francisco, Calif.

DEAR SIR: A lengthy article in the March 25 issue of the Wall Street Journal describes the various steps Canada is taking in a trade drive to reduce its payments deficit. This article states that in addition to currency devaluation and other moves affecting all types of businesses, "Canada has been prodding individual industries to help fulfill the nation's foreign trade goals."

There is no mention of the singular success of Canada's softwood lumber industry in increasing its exports. These are primarily responsible for the increase in U.S. total imports from 1.3 billion feet in 1947 (3.7 percent of apparent domestic consumption) to 4.9 billion feet in 1962 (13.2 percent of consumption) and an estimated 5.3 billion feet in 1963. (Softwood imports accounted for 94 percent of total imports in 1962.)

It is to be presumed that many Canadians, like many Americans, realize the importance of the huge two-way trade between our countries. However, at some point self-interest must take over. Canada has reached this point and effectively does something about it. It is taking various steps to reduce purchases of U.S. products while actively seeking new U.S. customers for its goods. It further campaigns to take away U.S. customers in other countries.

Provincial efforts back up the national policies. Ontario's trade crusade is reported to be "anti-import as well as pro-export." The Provincial government has erected 80 billboards proclaiming: "$100 less per person of imports a year means 60,000 new jobs."

The huge increase in lumber exports from British Columbia to the United States has resulted in more jobs in that Province and a corresponding elimination of jobs in Idaho, Montana, Washington, and Oregon.

Many of us do try to be objective about this situation, even though we hurt seriously. We realize that the United States does have to absorb some Canadian lumber—but we also think we now have reached and passed that point where self-interest demands more action and less conversation by our Government.

Why should it be any less desirable for the administration to want to protect the jobs of American workers and the economies of large geographical areas than for Canada and its Provinces to do the same for theirs?

Here in the 10 northernmost counties of Idaho there were 213 sawmills in operation in December 1961—but only 115 a year

later. The Senate Commerce Committee was told at its Lewiston, Idaho, hearing last June that the average wage in 1961 for persons employed in lumbering in north Idaho was one-third to one-half less than the average for the preceding 5 years.

To these things of immediate concern is added the fear of what lies ahead because of the estimates of a still greater inflow of lumber from Canada this year. A rough rule of thumb is that 1,000 feet of timber on the stump—translating to 1,100-plus feet of lumber on the car—represents 2 man-days of employment. Imports from Canada increasing by billions of feet in recent years thus have represented many thousands of new jobs for British Columbians and a corresponding loss of jobs for Idahoans and other Pacific Northwest workers.

What puzzles people of this area is why our own Government can't show at least a little of the concern for a domestic economy that Canada does for its. British Columbia and Canada make no secret of the fact that they want a healthy, thriving lumber industry and will take all measures possible to insure that objective. Our Government seems unconcerned about a reeling regional economy which, while hanging on the ropes, is still expected to help pay for a generous helping hand policy for foreign nations and foreign workers.

No one as yet has satisfactorily explained to us why there can't be a happy—or partly happy—medium whereby we would still import some Canadian lumber, but not enough to choke to death on.

Sincerely,

JIM PARSONS,
Manager.

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

Mr. JORDAN of Idaho. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

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

Mr. JORDAN of Idaho. Mr. President, I call attention also to the hearings held in Columbia, S.C., Atlanta, Ga., and Shreveport, La., during the last month by the Senate Commerce Committee. One single fact reported at those hearings was very impressive. In 1953, 3,800 railroad cars of lumber moved from Canada into the 12 Southern States of South Carolina, North Carolina, Georgia, Alabama, Florida, Texas, Louisiana, Virginia, Kentucky, Tennessee, Mississippi, and Arkansas. In 1961, the figure had jumped to 14,800 carloads of lumber from Canada which represents something more than one-half billion board feet of lumber.

I would be the first to admit that the Canadian import problem is not all that is wrong with our domestic softwood lumber industry. But it is an important part of the picture, and, if relief is to come to our lumber industry, it must start somewhere. As the Post editorial says, now that a supposedly more amicable mood does mark Canadian-American relations, I think this is the very time to press the Canadians for some settlement of this problem.

Mr. President, I know these Canadians. I have worked with them on the International Joint Commission. I have a high regard and a wholesome respect for their Canadian nationalism. Certainly they are people who are looking out for their own country first—an attitude which I heartily wish more people in this administration had. But they are also people who, though they might not like it, would respect a similar position taken by the United States. I say it is time this country started looking out for its own and letting other countries do the same for themselves. And the Canadians will certainly look out for their own, because they have already demonstrated this ability in many ways. One case in point was the action by the Canadian Government in 1961 when it artificially manipulated the value of the Canadian dollar at 95 cents as compared to the U.S. dollar. This was done with the announced intention by the Minister of Finance of increasing exports and curtailing imports. This single act had the effect of reducing the price to U.S. purchasers of Canadian lumber by 5 percent, giving them more Canadian lumber for their money. Stated differently, this deliberate action by the Canadian Government gave to Canadian lumber producers a 5-percent advantage in U.S. markets.

Now, let us look into one of the reasons why in recent years the Canadians have turned to this country for lumber markets. Russia enters into the picture.

According to a Department of Commerce publication, "Forest Resources and Lumber Export Potential of the Soviet Union," Russia's forest resources are larger than those of any other country in the world—even larger than those of the United States and Canada combined. Russia possesses 19.4 percent of the total world forest resources, while the United States and Canada combined have only 17.1 percent of the world's total. Our country has only 8.2 percent of the total alone, with Canada outranking us with 8.9 percent.

Soviet exports have increased tremendously since World War II—from 134 million board feet in 1946 to 2,106 million board feet in 1960. This increase is accounted for entirely by softwoods, because hardwood exports are much less now than they were in 1946. Although there is no evidence of an immediate effort by Russia to increase her exports drastically, cutting into U.S. lumber markets, the possibility is certainly there.

Actually, even if indirectly, the increased exports of softwood lumber from the Soviet Union already have cut into our U.S. lumber markets. In 1958 the United Kingdom imported 444.9 million board feet of softwood lumber from Canada and 514.5 million board feet of softwood lumber from the Soviet Union. However, the next year, in 1959, the United Kingdom only imported 294.1 million board feet of softwood lumber from Canada, while its imports of softwood lumber from the Soviet Union increased to 678.4 million board feet for that year. And 1959, Mr. President, is the year when Canadian softwood imports into this country began to cut drastically into U.S. markets for softwood lumber.

In other words, when the Canadians suddenly found themselves in stronger than usual competition with Russia for the softwood lumber markets of the United Kingdom—previously Canada's main market for softwood lumber—the Canadian Government and the Canadian softwood lumber producer began to look around for other softwood lumber markets—turning quite naturally to the United States, its nearest neighbor. Although since that time United Kingdom imports of Canadian lumber have picked up, the United Kingdom still imports more softwood lumber from Russia than it does from its own Commonwealth, Canada.

Mr. President, I first became interested in the potential danger to our lumber industry from Russian lumber a couple of months ago when I received a letter from Mr. R. E. Broderick, who is secretary-treasurer of the Northeastern Lumber Manufacturers Association, Inc. I ask unanimous consent that Mr. Broderick's letter be included in part in my remarks at this point.

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

NORTHEASTERN LUMBER
MANUFACTURERS ASSOCIATION, INC.,
New York, N.Y.

Hon. LEN B. JORDAN,
Senate Office Building,
Washington, D.C.

DEAR LEN: The real purpose of this note is to thank you very much for your interest in the problems of the lumber industry. You can be very sure that those of us in the Northeast corner are most appreciative of your efforts in our behalf. We are very much in favor of your lumber labeling legislation.

Perhaps you know of the potential danger of Russian lumber coming into this country. They have tremendous forest resources in Russia, about the same kind of softwood lumber that we have in this country. Of course, it is all made by * * * cheap labor and manufactured on Swedish machines. I had an opportunity to see and to carefully examine quite a lot of it that had come in as a sample shipment.

If ever the Russians decide to export their lumber to this country, it will be a sad day for our American lumber industry, for it can be delivered here for half the cost of U.S. production. I have been trying to get people excited to the point of action on this matter for a long time, and now I am sure the lumber labeling legislation which you propose will do the job.

Sincerely,

R. E. BRODERICK.

Mr. JORDAN of Idaho. Mr. President, this potential danger from the imports of Russian lumber is, in my opinion, all the more reason why lumber should be marked with the country of origin.

DEPARTMENT OF SCIENCE AND TECHNOLOGY

Mr. McCLELLAN. Mr. President, on March 4, 1963, the Committee on Government Operations reported a bill, S. 816, providing for the establishment of a Commission on Science and Technology. This bill, S. 816, was approved by the Senate on March 8, 1963, without opposition, and is now pending before the House Committee on Science and Astronautics.

An editorial relating to this bill was printed in the May issue of Industrial Research, entitled "It's Time for Evaluation." I ask unanimous consent that

the editorial be included in the body of the RECORD at this point.

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

IT'S TIME FOR EVALUATION

Senator JOHN L. MCCLELLAN, Democrat, of Arkansas, isn't an easy man to discourage. Every year since 1958 he has introduced a bill in Congress for the purpose of studying Federal science activities and determining whether there is need for a Cabinet-level Department of Science. And each time the bill has died. Just recently he introduced his latest version (S. 816), which calls for the creation of a Commission on Science and Technology, composed of eminent scientists and representatives of the legislative and executive branches of the Government. The Commission's job would be to study problem areas, recommend improvements, and consider the need for a science department. The Joint Engineers Council, the American Chemical Society, and the National Association of Manufacturers have come out in favor of the Commission, saying it would be useful in appraising existing science programs and for providing a sound basis for future development. The Budget Bureau, the National Science Foundation, and other Government agencies have opposed the proposal, arguing that it is premature. The administration believes the new Office of Science and Technology should have a chance to show its capabilities before other remedies are adopted. While we sympathize with Government officials, we must agree with Senator MCCLELLAN on the need for an immediate examination of the Nation's sprawling scientific efforts. We believe there are at least four major values of the proposed study:

1. It should serve to evaluate how well the Nation's overall scientific needs are being met.

2. It should identify and suggest possible solutions to the problems of emphasis, coordination, and financing in Federal science programs.

3. It should be helpful in clarifying the role of the newly created Office of Science and Technology.

4. It should assist in determining the need for some further coordinating force, such as an independent agency or Cabinet-level department. At the moment, we react rather negatively to the establishment of another Government agency or department. Part of this reaction undoubtedly is due to our basic opposition to the further expansion of Government bureaucracies.

However, our principal reservation relates to the practicalities of the matter. We simply doubt that it would be possible to pull together all Federal scientific activities under a single roof; and failure to do so would mean that the agency or department would be little or no improvement over the existing Office of Science and Technology. It is highly unlikely that the National Bureau of Standards could be taken from the Department of Commerce; the National Institutes of Health from the Department of Health, Education, and Welfare; the Bureau of Mines from the Department of the Interior; the research and engineering activities from the Department of Defense; the nuclear laboratories from the Atomic Energy Commission; etc., without impairing the effectiveness of these governmental bodies. However, we are willing to be convinced. But there is not much chance of change unless someone—such as the proposed Commission—takes a good, hard look at the ongoing Federal science programs.

Mr. MCCLELLAN. Mr. President, I desire to point out, however, that the editorial in its conclusion contains a misconception of the objectives and responsibilities which would be assigned to a Commission on Science and Technology, if it is established. It is stated:

At the moment, we react rather negatively to the establishment of another Government agency or department. Part of this reaction undoubtedly is due to our basic opposition to the further expansion of Government bureaucracies. However, our principal reservation relates to the practicalities of the matter. We simply doubt that it would be possible to pull together all Federal scientific activities under a single roof; and failure to do so would mean that the agency or department would be little or no improvement over the existing Office of Science and Technology.

In order to clarify this point, I also ask unanimous consent that there be included in the RECORD pertinent extracts from the committee's report on the bill proposing the establishment of a Commission on Science and Technology which, I believe, will clarify the misconceptions which seem to be prevalent as to the objectives of this proposed legislation.

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

The proposed Commission would be authorized and directed under section 2 of the bill to make a determination as to the need for establishing within the executive branch of the Government a Department of Science and Technology, or for the reorganization of existing scientific and technological functions through the transfer of such functions to existing or new executive departments or agencies, to provide more effective and better coordinated Federal science programs and operations. The bill provides that, if such a Department of Science and Technology is deemed necessary, the Commission should, in so recommending, determine what existing functions or agencies should be transferred to the new Department, or to other departments, and which functions and operations, now performed by Federal departments and agencies, can more properly be performed by private industries or nonprofit organizations, including universities and other educational or technological institutions.

The Bureau of the Budget interposed objections to certain committee guidelines contained in section 2 of the previous bills to create a Commission on a Department of Science and Technology (S. 1581, 86th Cong., and S. 2771, 87th Cong.), on the premise that it might be construed as a directive to the proposed Commission to submit such a recommendation. The committee feels, however, that inasmuch as practically all witnesses, and numerous statements, articles, and extracts from publications and books which were inserted in the record of the hearings, advanced or dealt at length (either for or against), with recommendations that a Cabinet officer for science and technology should or should not be appointed, the proposed legislation should contain a specific directive that the Commission determine whether such a department is necessary.

Some of the members of this committee have indicated that they were inclined to support the creation of a Department of Science and Technology, but have been unable to recommend legislation to achieve this objective. There was no agreement among the expert witnesses who have testified as to what functions or agencies should be included in the department, if it is established. All witnesses were in agreement that many of the scientific and technological functions of the Government should remain a part of the mission of existing departments, and that certain of those agencies established to perform functions in specialized areas of science, education, or research and development might operate better as independent agencies, or as presently constituted. None made specific proposals as to which agencies or functions should be included or which should continue to operate outside of such a department. Accordingly, the bill also directs that the Commission recommend, if it should determine that a Department of Science and Technology is necessary, what functions and operations should be transferred to the new department, which should remain independent, or remain as an essential component of existing departments as essential to the primary mission of the department in which they are presently located.

Mr. MCCLELLAN. Mr. President, I also wish to include in the RECORD certain comments made by Dr. Jerome B. Wiesner, Director of the Office of Science and Technology, which is incorporated in the report on S. 816, together with the views expressed by the committee in its report, and ask unanimous consent to have them printed in the RECORD at this point.

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

There has been concern, first as to whether a Department of Science was needed to centralize science programs and operations that are now integrated in various departments and agencies, perhaps by combining National Science Foundation, Atomic Energy Commission, National Aeronautics and Space Administration, National Bureau of Standards, and so forth; and second, concern expressed in these studies as to whether staff resources in the Office of the President were adequate to meet his needs.

"As I have said many people believe that the present system is inevitably evolving toward a Department of Science. However, I don't believe that a single Department of Science with the responsibility for all of the scientific activities of the Federal Government would be a workable arrangement because most of the scientific activities of the individual agencies are carried out in support of their specific missions. If, as has been proposed, a less comprehensive Department of Science were created—by consolidation of the Atomic Energy Commission, National Science Foundation, National Bureau of Standards, and other agencies I talked about earlier—their operations might be made more effective. There would still be need, however, to coordinate and integrate their activities with that of the mission-oriented agencies having related scientific and technical programs. In other words, the OST is neither a substitute for nor in competition with a Federal Department of Science."

This statement by Dr. Wiesner is in accord with the views expressed repeatedly by this committee, and by witnesses testifying at the hearings before the committee, and conforms to the objectives set forth in S. 816. The committee has always taken the view that a comprehensive study must be made by a commission composed of qualified persons who are familiar with the problems relating to the operation and support of science and technological programs by the Federal Government. The committee has also repeatedly pointed out that such a study is vital in order to determine whether there is a need for a Department of Science and Technology. Also, that if such a department is necessary, that the commission should further recommend what Federal activities should be incorporated therein, and a determination made as to those which would better perform their allocated tasks as independent agencies or as components identified as an important function related to the mission of existing departments. These are

among the major objectives of the proposed legislation being submitted to the Congress in the subject bill.

The committee also took the view as stated by Dr. Wiesner, when considering Reorganization Plan No. 2 of 1962, that, even should a Department of Science be created, there would still be need for an Office of Science and Technology in the Executive Office of the President in order to insure that there was proper coordination of its activities with those dealing with science in other agencies.

JOINT RESOLUTION OF ALABAMA SENATE COMMENDING MRS. ELIZABETH PARKS BEAMGUARD

Mr. SPARKMAN. Mr. President, one of the most helpful acts of Congress ever put on the statute books was the Library Services Act. With a relatively small expenditure of public funds, this act made possible the extension of library services to rural areas, to towns, and to other areas that up to that time had not enjoyed library services.

The State of Alabama has enjoyed a tremendous growth in its library work during the few years that have elapsed since the enactment of the law. Much credit for this fine work throughout the State of Alabama must go to the director of the Alabama Public Library Service, Mrs. Elizabeth Parks Beamguard.

Several days ago the Legislature of the State of Alabama adopted a joint resolution praising the work of Mrs. Beamguard and taking note of the fine job that she has done in bringing library services to the people of Alabama. This is a deserving tribute. I am glad to see this action taken.

I ask, Mr. President, that this Alabama Senate joint resolution be printed at this point in the RECORD as a part of my remarks.

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

SENATE JOINT RESOLUTION 17

Whereas under the able leadership and direction of Mrs. Elizabeth Parks Beamguard, director of the Alabama Public Library Service, library facilities and services in the State, and particularly in the small towns and rural area, have recently been tremendously expanded and improved; and

Whereas the naming of the Eufaula Carnegie Library as the recipient of the 1963 Dorothy Canfield Fisher Award for Alabama, brings nationwide acclaim to Alabama's public libraries, for this award is given in signal recognition of the excellence of both the facilities and the services of libraries in counties or in cities of less than 25,000; and

Whereas the Eufaula Carnegie Library is only one of the many excellent libraries currently available to Alabama citizens: Now, therefore, be it

Resolved by the Legislature of Alabama (both houses thereof concurring), That we hereby commend Mrs. Elizabeth Parks Beamguard, director of the Alabama Public Library Service, for her outstanding public service in promoting the extension and development of public libraries in this State; and be it further

Resolved, That a copy of this resolution be sent to Mrs. Beamguard.

Attest:

J. E. SPEIGHT,
Secretary of Senate.

STEEL MILL IN INDIA

Mr. SIMPSON. Mr. President, it is out of concern for the philosophy represented in the act and for the sheer folly of the finances involved that I noted with great alarm U.S. plans to sink nearly $1 billion of taxpayers' money into a Government-run steel mill in India.

U.S. involvement in this venture and some of the ramifications pertaining thereto were graphically illustrated in a recent editorial in the Wyoming State Tribune. In an editorial entitled "Bokaro, a Name to Remember," editor James Flinchum notes that the enormous steel development for which the Indian Government would need to borrow from the United States $891 million will be pitting the U.S. Government against private enterprise in a sorely impoverished land that desperately needs the economic stimulus provided by the private enterprise system.

In a succinct paragraph, the Wyoming publisher summarizes the issue by saying:

We think the taxpayers of this country have every right to demand why their money, amounting to nearly a billion dollars, should be risked on a venture in which no return of either interest or principal may ever be realized to create a State-run business venture contrary to the business principles of our own economic system and furthermore to create a possible competitor of our own concerns in the steel markets of the world.

Mr. President, the principle of this Bokaro program was viewed critically by the Foreign Aid Study Committee headed by the distinguished American, Gen. Lucius D. Clay. The report said the United States "should not aid a foreign government in projects establishing government-owned industrial and commercial enterprises which compete with existing private endeavors."

This steel mill at Bokaro will be working against the two privately owned steel mills in India. It will be putting the Governments of India and the United States into business in direct contravention of the fiscal policies which have placed this Nation and some of those reconstructed after World War II far ahead of other economic and industrial powers.

I bring this editorial to the Senate's attention in the earnest hope that this body will inveigh against the doling out of much needed taxpayers' dollars into a program which is wrong fiscally, mechanically, and in its very principle.

I ask the consent of my colleagues in requesting that this Cheyenne Tribune editorial be printed, with my remarks, in the body of the CONGRESSIONAL RECORD.

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

BOKARO: A NAME TO REMEMBER

Mark well the word "Bokaro." It is likely to produce one of the biggest squabbles in years in this country, pitting the proponents of private enterprise against those who favor Government-run business possibly in full scale contest.

Bokaro is a city in India. In that city the Indian Government is proposing to build a large steel mill. To build it the Indian Government must have capital and it is seeking to borrow that capital amounting to nearly $1 billion from the United States. The proposal already has been approved, by none other than President Kennedy.

Bokaro would be the largest single U.S.-aid project ever undertaken by the U.S. Government. It would take the form of two loans: First, an initial loan of $512 million; and later one of $379 million, a total of $891 million altogether.

These are the outright loans for this project; it does not include the fringe expenditures. The Agency for International Development otherwise known as AID already has conducted a technical study of the project, through United States Steel, at a cost of $686,344.

The big rhubarb about Bokaro, though, is that it puts the Indian Government in the steel manufacturing business. The Clay Committee which made such a critical study of the U.S. foreign aid program earlier this year already has ruled against Bokaro. It contended its opposition was not ideological but economic; that one cannot build an economy by putting the Government into private business competing with the private enterprise that sustains it.

That theory holds true for all countries, ours as well as India's. But the prime concern right now is with India.

We think the taxpayers of this country have every right to demand why their money amounting to nearly a billion dollars should be risked on a venture on which no return of either interest or principal may ever be realized, to create a state-run business venture contrary to the basic principles of our own economic system, and furthermore to create a possible competitor of our own concerns in the steel markets of the world.

Truly, the ideas fostered by the Kennedy administration sometimes tax the credibility—along with the citizens' pocketbooks.

GOLDEN ANNIVERSARY OF THE ANTI-DEFAMATION LEAGUE

Mr. HUMPHREY. Mr. President, a Senator is privileged to attend many different affairs, commemorating the activities of many worthwhile organizations. Sometimes these occasions, no matter how praiseworthy, tend to blur in our minds. But every now and then there is a night, an occasion, a cause, which kindles a spark which underscores American principles, which reestablishes the fact that men of good will can accomplish great purposes.

For some time I have planned to comment on one such occasion, the golden anniversary celebration of the Anti-Defamation League of B'nai B'rith that was observed here in Washington last January.

It may be that other Senators watched that evening's proceedings on television. They saw an hour-long pageant of song and dance, celebrating the struggles and sorrows and triumphs of wave after wave of immigrants who enriched this land by their energies, skills, and devotion as well as by their different faiths and cultures. And they saw the evening climaxed by the presentation of the League's America's Democratic Legacy Award to President John F. Kennedy.

What could not be seen were the ideals and aspirations, the powerful dedication, the passionate belief in human rights and human dignity which led the league through a half century of dramatic progress in the fight against the practices and patterns of bigotry and discrimination.

The Anti-Defamation League of B'nai B'rith was born in 1913, when a Chicago attorney named Sigmund Livingston determined to do something to end the vicious stereotyping of Jews in American newspapers, magazines, and vaudeville. He formed a committee of some 15 members of B'nai B'rith, the oldest Jewish service organization. The fledging league had two desks in Livingston's law office and an operating budget of $200. It also had something quite priceless—an overriding purpose "to stop, by appeals to reason and conscience, the defamation of the Jewish people," and "to secure justice and fair treatment to all citizens alike." For concerned though it was with its own people, the league realized long ago that in a democracy the fate of all men is intertwined—that no man, no race, no group may be held up for ridicule or stripped of dignity without degrading all.

The league sought allies among the responsible elements of American society, among those who believed in the brotherhood of man. As time passed, so did offensive caricatures of Jews. But a new danger arose, a new battle for the league.

Well organized, well financed anti-Semitism appeared—in the Ku Klux Klan; in the 7-year campaign of Henry Ford's Dearborn Independent to use the bogus "Protocols of the Elders of Zion" to circulate bigotry nationally.

After many setbacks and broken promises, the league saw the end of Ford's anti-Jewish attacks; Ford himself sent a letter of apology to the Jewish people. The Klan's power began to dwindle and diminish too, due in good measure to educational campaigns which exposed the Klan and brought together all decent elements in repudiation of the KKK.

All this was in the twenties. In the light of what was to come, bigotry was in its infancy. In the thirties, with the rise of Hitler, anti-Semitism was to have an audience in the tens of millions, was to become a political tool in the hands of those who sought world conquest. It was to be directed by master propagandists who knew the ways and means of using every furtive fear and latent hostility.

Hundreds of neo-Fascist groups sprang up. The German-American Bund goose-stepped through the streets of New York and Chicago. Shiploads of Nazi anti-Semitic literature was distributed throughout America. The Christian Front and the Social Justice Society, The Silver Shirts, and scores of other groups, took their cue from Berlin.

For the Anti-Defamation League, this was a new kind of battle, perhaps its most bitter and crucial battle. Through trial and error, the league found new ways and means of waging it. Because it was important to know the nature of the enemy, the league employed experienced researchers to establish a unique arsenal of information of every bigot, on every hate movement in America, as well as facts and figures on those who backed the bigots with moral and financial support. Thus, when America entered World War II, law enforcement agencies turned to the Anti-Defamation League for information which could not be elsewhere found, information which helped America halt the fifth column activity the Nazis had employed so well in other nations.

In the postwar era the league was to grapple with other hatemongers—Gerald L. K. Smith, Joseph P. Kamp, Merwin K. Hart, Conde McGinley—but the plain and simple fact was that millions of Americans had developed a kind of immunity to crude and overt bigotry. They had learned, through Hitlerism, the ghastly price nations and whole societies pay when one group seeks to rob another of its human rights.

Now, at last, the opportunity was at hand for the league to change its emphasis. From fighting clear and present dangers, from watching, and warning, it went straight to the heart of human relations; to the whole delicate, intricate area which determines the attitudes and interplay between different groups, races, and faiths.

Overt hatemongering was no longer the prime target. But imbedded deep in American social and economic life was something equally odious, equally destructive to the American dream. Its name: discrimination; its practices and institutionalized patterns far more difficult to reach. For while it is one thing to quarantine a hatemonger, it is quite another to convince a corporation president that Jews, Negroes, and Catholics, belong in his front office—or in his neighborhood.

Difficult though it has been, the league has a remarkable record of achievement in this area. Anti-Defamation League cracked "the quota system" against minorities in medical and professional schools across the country; its research and studies contributed to the enactment of fair employment legislation in some 18 States; its exposure of discrimination in housing developments and resorts has done much to put an end to such efforts to create second-class citizens.

But to my mind, one of the foremost, farthest reaching achievements of the league may well be that its pioneering and continuing efforts to bring discrimination out of the dark corners of our society have helped to make the whole area a prime public issue. Americans of good will now know that discrimination is wrong; that its moral and economic price is paid by all Americans.

The league has refused to believe, as many do, that man must hate. Hate is born of fear, the league says, and fear is born of ignorance. Its job has therefore been to eliminate ignorance, to get the true meaning of democracy to all our citizens.

Anti-Defamation League books, pamphlets, records, and films are helping a new generation of Americans to be emotionally healthy, to understand their neighbor's differences and respect them, to be secure from the appeals of prejudice, to be incapable of joining hate movements—or even of tolerating them.

Anti-Defamation League is bringing its vast wealth of experience and human relations materials to teachers and school administrators, to interreligious and intercultural forums which dramatize and promote the concepts of brotherhood and fair play.

After 50 years, the Anti-Defamation League has won recognition for its efforts "to secure justice and fair treatment to all citizens alike." With national headquarters in New York and 25 regional offices throughout the country, Anti-Defamation League carries on five basic programs:

To strengthen and sustain civil rights and civil liberties through law.

To probe, through research, the why and wherefore of discrimination and its impact on American life.

To make human relations education as vital to our school systems as the "3–R's."

To translate broad human relations concepts into the grassroots, neighbor-to-neighbor approach that is a prerequisite for democratic living.

To present a positive image of the American Jew and his contributions to democracy.

The nature of these programs, the scope of Anti-Defamation League's concern, is nowhere better revealed than in the distinguished roster of those upon whom the league has bestowed its annual America's Democratic Legacy Award. In 1948, Anti-Defamation League awarded the medallion to Charles E. Wilson, Chairman of the President's Committee on Civil Rights. From this Committee came the impetus, in little more than a decade, for more civil rights progress than this country had seen in nearly a century. In 1949, Anti-Defamation League bestowed its America's Democratic Legacy Award upon President Harry S. Truman, who had conceived and created the Committee; in 1950, upon J. Howard McGrath, who, as Attorney General, had helped lead the fight to implement the Committee's findings.

In 1951 it went to Henry Ford II, the founder of the Ford Foundation. In 1952 to Herbert H. Lehman, the foremost champion of civil rights in the Senate, the man who was not only its voice but its very heart and soul and conscience.

In 1953 President Dwight D. Eisenhower was honored for his leadership in the great crusade to bring about the elimination of Nazi tyranny over the oppressed peoples of Europe; for his vigorous campaign to eliminate racial segregation in the Armed Forces; for his efforts to end undemocratic patterns of discrimination in Washington, our Capital City; for his leadership of the free world.

The award for 1954–55 went to the Carnegie Corp., and the Ford and Rockefeller Foundations. In 1956, Herbert H. Lehman was the recipient for the second time, along with James P. Mitchell and Charles P. Taft for advancing democratic principles and institutions and contributing to good intergroup relations, civil liberties, and human rights.

The 85th Congress of the United States received it in 1957 for enacting the first civil rights law in 82 years. In 1958, the Columbia Broadcasting System, Look magazine, and the New York Times were the recipients for leading mass media in communicating democracy. In 1959 Actors Equity, the Dramatists Guild, the

League of New York Theaters, and the Society of Directors and Choreographers were honored for projecting the basic American concept of individual worth in the American lifestream through the theater.

Three great universities—Harvard, Notre Dame, and Brandeis—received the award in 1960 for their academic freedom and social responsibility in leading intellectual development in the United States. And in 1961, Adlai E. Stevenson, the U.S. Ambassador to the United Nations, was awarded the medallion for personifying America's democratic purpose and humanity to Americans and to the rest of the world.

President Kennedy received the current Anti-Defamation League America's Democratic Legacy Award for his "distinguished contribution to the enrichment of our democratic heritage." His words upon receiving the medallion, perhaps best describe the strong relationship between the work of the Anti-Defamation League and the work of our Nation itself:

I am honored to receive this award from an organization which, on its 50th anniversary, should, itself, be receiving an honor for distinguished contribution to the enrichment of America's democratic legacy. Your tireless pursuit of equality of treatment for all Americans has made a lasting and substantial contribution to our democracy.

The men who first shaped the democratic legacy that you honor tonight were filled with a sense of commitment and of wonder at the importance of the events in which they were participating. It was not only as John Adams exalted, that they were to have the unique opportunity to write a new Constitution and form a new government and begin a new nation; it was also the deep conviction, as later expressed by Walt Whitman, that here we have planted the standard of freedom, and here we will test the capacities of men for self-government.

America was to be the great experiment, a testing ground for political liberty, a model for democratic government, and although the first task was to mold a nation on these principles here on this continent, we would also lead the fight against its tyranny on all continents. In short, wrote Jefferson to Adams, "The flames kindled on the 4th of July 1776 have spread over too much of the globe to be extinguished by the feeble energies of despotism," although Jefferson also foresaw that to attain liberty in other parts of the globe, years of desolation must pass over.

Almost two centuries have passed since a small, weak nation, a beachhead on a continent, began the great experiment of democracy in a world where government by the consent of the governed had been extinguished for 2,000 years. And as Jefferson prophesied, there have been many years of desolation and destruction since.

It seems to me that it is our responsibility in this year of change and hope to prove that we are equal to this great inheritance, to make it possible for the Four Freedoms which Franklin Roosevelt so eloquently described in another time of peril and danger 20 years ago—to make sure that those Four Freedoms, indeed the great concept of indivisible freedom, are made available to all of our people, to all of our citizens, and to bear our part of the burden as we have for so many years in making that great concept available to all people.

This is a great inheritance. It is a proud privilege to be a citizen of the great Republic, to hear its songs sung, to realize that we are the descendants of 40 million people who left other countries, other familiar scenes, to come here to the United States to build a new life, to make a new opportunity for themselves and their children.

I think it is not a burden, but a privilege to have the chance in 1963 to share that great concept which was felt so deeply among all of our people then, to make this really, as it was for them, a new world, a new world for us, and, indeed, for all those who look to us.

That is what this organization has stood for for 50 years. That is what this country has stood for for 200 years, and that is what this country will continue to stand for.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "The Fight Against Prejudice," written by Thomas B. Morgan and published in this week's issue of Look magazine.

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

THE FIGHT AGAINST PREJUDICE

(By Thomas B. Morgan)

In the United States in the 1960's:

Jews are excluded from, or meet discrimination in, more than half of America's social-cum-influential city and country clubs, from New York City to Los Angeles. (In a reverse twist, a number of Jewish clubs bar Christians.)

Until last year, it had been virtually impossible for a Jew to buy a house in the incorporated village of Bronxville, N.Y., on the northern outskirts of New York City, home of about one third of America's 5,510,000 Jews.

In early 1960, nearly 300 separate acts of desecration were committed against Jewish houses of worship in America, including swastika painting, vandalism and dynamiting.

Job orders from thousands of U.S. firms are on file in the offices of private employment agencies across the country, stating specifically, or in code, that Jews need not apply. (Negroes and oriental Americans, of course, get the same treatment.)

Many hotels in America's playland, Florida, bar Jews, although the situation has improved in recent years.

And last year in Berkeley, Calif., by dialing a well-advertised number, you could, during a 1-week period, listen to a 3-minute tape-recorded phone message telling of the Jews' conspiracy to take over Western civilization. This is an awe-inspiring concept when you consider that, in nearby Oakland, Jews have a hard time winning membership in the Elks Club.

The Anti-Defamation League, which is the civil-rights arm of B'nai B'rith, largest (400,000 members) Jewish service organization, says that anti-Semitism persists in America—not only in the lunatic fringe, but also among nice people, some of whose best friends are Jews, and who ought to know better. "Anti-Semitism changes its forms and its intensity, but it does not disappear," the league's new national chairman, Dore Schary, told Look recently.

Research, which is a large part of Anti-Defamation League's business, shows that anti-Semitism is a pervasive (if sometimes secret) fact of American life. Yet, Anti-Defamation League hastens to add, that fact should not obscure the truth: American Jews today command more respect as Jews and have greater equality as Americans than at any time in this century. America itself is more egalitarian today than it has ever been, at least since the closing of the frontier. There are obvious social, political, and economic reasons for this—but one less-appreciated reason should be taken into account: Jewish Americans have won respect for themselves and for other minorities by fighting for it, individually and through organizations such as the Anti-Defamation League.

This year marks the league's 50th anniversary. That it has been free and ready to fight is perhaps part of what America is all about.

The league is a highly skilled human relations organization dedicated to combating prejudice and promoting understanding. It has headquarters in New York and regional offices in 25 cities. Its staff includes 150 full-time lawyers, social scientists, educators, and public relations specialists. Its governing body is a 110-man commission of 50 B'nai B'rith representatives and 52 other community leaders. Each regional office is governed by community representatives (total, 4,000), who are, in turn, ADL's major source of volunteer workers. League funds come from voluntary contributions collected in annual drives—plus the B'nai B'rith treasury. The budget for next year: $3,940,000. "We will do with it what we've always done," Schary told Look. "Where we find prejudice, we fight it. That's a commitment you make as an American and as a Jew."

On the theory that the best defense is a good offense, the league was organized in 1913 at the urging of a Bloomington, Ill., lawyer and B'nai B'rith member, Sigmund Livingston, who served as chairman for 33 years. "The immediate objective of the league," its charter said, "is to stop, by appeals to reason and conscience and * * * law, the defamation of the Jewish people. Its ultimate purpose is to secure justice and fair treatment to all citizens alike." For B'nai B'rith, whose Hebrew name means Sons of the Covenant, this new covenant was a declaration of faith in America's promise.

Such an organization, assuming responsibility beyond the interests of one sect, was novel. But more to the point, it was something new for U.S. Jews. There had been Jews among the earliest settlers. Jews fought in the Revolution, helped found cities, and died for the Union and the Confederacy. The myth of the Christ-killers and the stereotype of Shylock were part of their burden, but they were generally treated with fairness and judged as individuals. They were able, industrious. And most of them wanted to integrate.

Unlike the Mormons, Jews were not massacred for their beliefs. Their pains were minor compared to those of the Negroes, Jehovah's Witnesses, and west coast orientals. They were not victimized, as Catholics were, by Know-Nothings; and they were spared such pogroms as were visited upon the red Indian. They were spared so much that, in 1877, when Saratoga's Grand Union Hotel turned away the New York financier Joseph Seligman solely because he was a Jew, the American-Jewish community was genuinely startled.

Rapid change came after 1890. Czarist persecutions sent a flood of Eastern European Jews to America, where they crammed into New York and Boston ghettos. Between 1900 and 1913, almost 100,000 Jews a year landed in the United States. The Jewish population mushroomed—from the few hundred thousand of the year Seligman was rebuffed to some 2 million at the time Anti-Defamation League was founded. With little more than hope as a resource, younger immigrant Jews broke out of U.S. ghettos to compete in the rough-and-tumble, open society beyond. Now, the Jews became visible.

He appeared against the background of an America that was transforming itself from a rural republic into an industrial superstate. Painfully, clumsily, but inexorably, political power was moving away from farmers to city folk, from the old majority to the new

minorities, from statehouse to Capitol Hill. There was no turning back, but neither was there any way to know what the democratic life would be like when the country got where it was going.

Some Americans resented change; others frankly feared it. Embittered, they fixed upon the Jew, a traditional scapegoat, and prejudice that was latent and abstract became manifest and real.

By 1913, most U.S. newspapers identified Jewish lawbreakers as Jews: "Samuel Green, a Russian Jew, was apprehended today perpetrating * * *." Dime novels stereotyped Jews as heinous swindlers, arsonists, and satyrs. Resorts and hotels advertised: "Restricted clientele—no Jews, no consumptives and no dogs." The noun "Jew" became a verb and an adjective in spoken and written American English. Silent movies, whose daily audience topped 10 million, presented a steady diet of Rosenstein, the Jew moneylender, and Lowenstein, the Jew fence, in what were advertised as "Jew movies." On the stage, Jewish comics themselves contributed to the stereotype. And, especially in the South and Midwest, labor-unionism, reform, anarchism, communism, capitalism, and birth control were all incorporated in the myth of a Jewish plot, passed on as gospel—and often with the Gospel. Jews meanwhile, quietly and privately criticized their tormentors, but they had not yet begun to fight.

Then in Atlanta, Ga., on the afternoon of April 26, 1913, someone murdered Mary Phagan, a 14-year-old white Christian girl from nearby Marietta. Except for her killer, the last person to see her alive was the superintendent of the pencil factory where she worked. He was a 29-year-old-Jew named Leo Frank. The young man—Brooklyn-reared president of the Atlanta chapter of B'nai B'rith—had given Mary Phagan her wages. Next day, he was arrested for the crime. As it happened, this circumstance had a galvanic effect on the men who created Anti-Defamation League. Certainly, B'nai B'rith would have founded the league sooner or later, but the story of Leo Frank struck the American-Jewish community like nothing before in its experience. It was Frank's destiny to give the league the sense of urgency that characterizes its operations to this day.

Frank's trial was a farce, and he was sentenced to hang. Crowds outside the courthouse chanted, "Hang the Jew." Spectators inside got up to quote the Georgia bigot, Thomas E. Watson. In his widely distributed publications, Watson switched from anti-Catholicism to anti-Semitism for the Frank case: "Our little girl—ours by the eternal God—has been pursued to a hideous death and bloody grave by this filthy perverted Jew of New York." Despite protests from the Atlanta Journal, the Hearst press, the newborn Anti-Defamation League and numerous emergency defense committees, Frank stayed in the death house.

Hope rose when, at the cost of his career, Georgia's Gov. John Slaton commuted Frank's sentence to life imprisonment. Said Slaton: "Two thousand years ago, another governor washed his hands * * * and turned a Jew over to a mob. For 2,000 years, that Governor's name has been a curse. If today another Jew were lying in his grave because I had failed to do my duty, I would all through life find his blood on my hands, and must consider myself an assassin through cowardice." His term in office ended, Slaton had to leave the State to save his own life from the mob.

Leo Frank did not last long in jail. First, his throat was cut by a mad inmate. Then, as he recuperated, Tom Watson published: "Are the old lessons lifeless? Are the old glories gone? Are there no feet to tread old paths?" On August 17, 1915, 25 men of Georgia answered Watson's questions. They walked, unmolested, into the Milledgeville prison hospital, seized Frank, chained him to an automobile, and drove him from Milledgeville to the outskirts of Marietta, Mary Phagan's hometown. There, they strung him up on an old oak tree. While across the country Americans denounced the law of the mob, Watson triumphantly wrote: "Jew libertines take notice."

With Leo Frank as a bloody symbol, the Anti-Defamation League went to work. Its headquarters was Sigmund Livingston's Chicago law office. It had two desks, a $200 budget and the pledge of 150 prominent American Jews to work for its objectives. Except for the Frank case, they were kept busy in the early days dealing with so-called "random prejudice." Thus, in 1913, the late Adolph S. Ochs, publisher of the New York Times, wrote an Anti-Defamation League memorandum that went to the editor of every U.S. daily newspaper. It was entitled, "A Note on the Word 'Jew'," and explained: "The word 'Jew' is a noun and should never be used as an adjective or verb. To speak of 'Jew girls' or 'Jew stories' is both objectionable and vulgar. The use of the word 'Jew' as a verb—'to Jew down'—is a slang survival of the medieval term of opprobrium and should be avoided altogether."

Effective beyond the league's greatest expectations, the memorandum was reprinted in newspapers across the country and tacked up in city rooms, where it remained for years as a style guide for reporters and editors. In 1915, only 50 cases of "objectionable and vulgar" usage were found in the press, and, by 1920, virtually none.

Simultaneously, private persuasion (the league's most effective tactic in this period) was applied to the problem of "Jew movies" and "stage Jews." With scripts, photos, and film clips to document their arguments, Anti-Defamation League representatives visited vaudeville comics, theater owners, and booking agents to request changes. Motion picture producers received appeals and were threatened a little, while league volunteers campaigned for local film-censorship ordinances. As a result, in a few years, the offensive characters disappeared.

In 1914, the league also conceived a list of reasons why Shakespeare's "The Merchant of Venice" should not be taught to school children and sent it in a letter to the school superintendent in every town with over 10,000 population. Personal Anti-Defamation League visits often followed up the letters. By the end of the decade, many big-city schools and even colleges had dropped the Shylock play.

What with prohibitionists smashing saloon windows, suffragettes stopping traffic, anarchists blowing up buildings, and Comstockians charging through our libraries, the league's approach was mild, indeed. But by today's standards of free speech, the early league was sometimes in conflict with the Bill of Rights. Anti-Defamation League has changed. Last year, while suggesting that harm might come from a TV production of "The Merchant of Venice," the league reiterated the stand it has taken in recent years—that "a work of great artistic quality * * * cannot be subject to censorship." In the official history of Anti-Defamation League, to be published this year, the league offers this stand as an example of how, "as it matured Anti-Defamation League displayed more and more understanding of the basic issues of civil liberties and freedom of expression."

When America went tooting off to make the world safe for democracy in 1917, war hysteria multiplied the league's challenges. Unlike Abraham Lincoln of Illinois, Woodrow Wilson of Virginia was not quick to use the moral prestige of the Presidency as a force for tolerance. At the request of Anti-Defamation League and other Jewish groups, he did suppress an official U.S. Army manual advising draft-board medical examiners that "the foreign born, and especially Jews, are more apt to malinger than the native born." But Wilson did nothing to stop the witch-hunting of his Attorney General, Mitchell Palmer. The country's war fever went up and stayed up, inflaming the growing tendency toward prejudice. Try as it would, Anti-Defamation League could never catch up with the fiction of Jewish malingering.

After the armistice, Anti-Defamation League found that it had to fighter harder to stay in one place. America went on the last fling of the old order. Race riots in Chicago, Palmer's raids nationwide, the Ku Klux Klan's ride to a peak membership of over 4 million, all formed a dismal background for Jew baiting—perhaps best typified by the activities of Henry Ford, who invested millions of tax-deductible dollars in his newspaper, the Dearborn (Mich.) Independent, which published spurious anti-Jewish tracts and revisions of history under headlines like: "The International Jew: The World's Problem." It was the first massive anti-Semitic campaign in United States history. Ford required his dealers to see to the newspaper's distribution. At the height of the campaign, Independent circulation reached 700,000 weekly.

For 7 years, all efforts by the league and other organizations to move the auto tycoon, and all public denunciations of the Independent failed. The paper kept up the attack until 1927. Then, at last, Ford released a letter of apology to the Jewish community for the Independent's policies and publicly disclaimed anti-Semitism. After World War II, the league was gratified by the efforts of the Ford family to make amends: The 1951 recipient of an America's Democratic Legacy Award, presented annually by Anti-Defamation League for distinguished contributions to the American heritage of freedom," was Henry Ford II, and a winner for 1954 was the Ford Foundation.

Private persuasion remained the league's most frequent tactic in the twenties. But as discrimination became more virulent, the league began to fight in public. To counter the widely held belief that the Russian Revolution was a Jewish uprising, Anti-Defamation League set up a nationwide lecture tour for the Chicago Daily News correspondent, Isaac Don Levine, who had just come back from the Soviet Union with precisely the opposite information. And, along with other organizations, the league did what it could to harass the hooded Klu Klux Klan. Ironically, Anti-Defamation League's proposals for unmasking legislation brought little response in the twenties, but were models for the laws passed in many States during the Klan revival of the forties.

By all odds, the twenties were the nadir in the modern history of U.S. civil liberties. But the league and other groups fighting for minority rights accomplished more than they knew at the time. Out of America's ideal of equality, they built what historian John P. Roche calls the ideology of civil liberty," a doctrine of fair play for all groups that millions could accept. In the thirties, the New Deal incorporated this doctrine in its philosophy. It was the adhesive that held together Franklin Roosevelt's coalition of underdogs.

The league in the Roosevelt years—which were also the Hitler years—concentrated on vigilance work, gathering facts about native Fascist movements and exposing them. Exposure, it found, worked where private persuasion could not. Anti-Defamation League kept tabs on 121 anti-Semitic organizations and hundreds of pro-Nazi crackpots. It became a leading source of information for the FBI and other police agencies. One of its undercover investigators turned up as chauffeur for Fritz Kuhn, Führer of the German-American Bund. Anti-Defama-

tion League also joined a coalition of groups fighting Father Charles Coughlin, the Royal Oak, Mich., radio priest, and in 1940, Coughlin went off the air.

During the Roosevelt era, the Jewish-American community developed a new conception of self-defense. "The Jews no longer imagined their interests to lie in appeals to the powerful," says historian Oscar Handlin, "but in solidarity with the underprivileged. They sought security, not in * * * tolerance for themselves alone, but in the general assertion of the rights of all Americans." To Anti-Defamation League, this meant an increased concentration on "affirmative" work, more literature, films and lectures on fair play, and a multiplication of local community activities.

For the league, the American scene in World War II was different from what it had been in World War I. While the west coast was gripped by war hysteria, and thousands of Japanese-Americans were shamefully interned, the country as a whole remained calm. They were few anti-Semitic outbursts, and the old lie of Jewish malingering made only a feeble comeback. Finally, the revelations of the Germans' "Final Solution of the Jewish Problem," which left 6 million Jews dead in Nazi extermination camps, taught a seemingly unforgettable lesson about intolerance.

In the aftermath of the war, league activities reflected the changing expression of prejudice in American life. There was a running battle to be fought with such relics of the old anti-Semitic movements of the 1930's as Gerald L. K. Smith and with those who made fitful attempts to reorganize hate groups. Whipped up by the Red threat abroad and the capture of home-grown Russian spies, among whom were a number of Jews, extreme tension set in for a period, and all the old prejudices bobbed back into view. During the Army-McCarthy clash over security at the Fort Monmouth (N.J.) Signal Corps research center, 36 employees, most of whom were Jews, were suspended. Bigots cried, "Jew Bolsheviks." Anti-Defamation League, however, investigated the case of each man, and helped win reinstatement for 28 of the 36. There was also a campaign—unsuccessful because it was nonsensical—to portray the Zionist movement, which aimed to establish a Jewish homeland in Israel, as a subversive plot demanding dual loyalties from U.S. Jews. But, above all, the postwar era was the time in which the league opened an intensive fight for full equality, not only for Jews, but for all minorities.

Here is how Anti-Defamation League has fought its new battle:

Racial discrimination: Soon after the war, Anti-Defamation League enlisted on the side of President Harry S. Truman's Civil Rights Commission, the National Association for the Advancement of Colored People and other organizations in the struggle for Negro rights. The league's lawyers filed a brief in support of desegregation while the Supreme Court was weighing its historic 1954 decision. And in 1961, a year before the scheduled desegregation of schools in Chattanooga, Tenn., league experts helped local school officials, civic groups and police devise a program for peaceful integration. Last fall, Negro and white children in Chattanooga started going to school together without incident. An Anti-Defamation League book on this experience will be available soon as a guide for other communities in the South.

Job discrimination: In the thirties, a personnel specialist estimated that almost all job orders filed with private employment agencies discriminated against somebody. For the past 15 years, the league has been helping to sponsor FEP (fair employment practices) laws. In California, for example, the 1958 FEP fight was going badly because groups agitating for the legislation lacked documentary evidence of actual job discrimination. Then an employee of a private employment agency brought copies of coded job orders from 200 Los Angeles firms to Anti-Defamation League's local office. He explained the code—the number 99 meant "no Negroes," number 53 meant "no Jews"—to the league's regional director, Milton Senn, a former U.S. Army counterintelligence officer. In 1958 and again in 1959, Senn filed complaints against hundreds of firms with the President's Committee on Government Contracts. "We knew few of these firms would fall under Federal jurisdiction," Senn told Look, "but the charges created a public discussion of job discrimination and called attention to the seriousness of the situation." Then, armed with photographic enlargements of the telltale job orders, an Anti-Defamation League representative testified for the FEP bill again. Later in 1959, it passed the California Legislature. Anti-Defamation League had been the only organization among the many in the FEP campaign to come up with substantive evidence.

Discrimination in college admissions: The practice of discriminating against Jewish applicants for college admissions became widespread in the twenties and thirties. By 1949, for example, many U.S. colleges maintained a quota system—which limited the number of Jewish students to a fixed percentage of the total admitted, no matter how many might qualify. That year, Anti-Defamation League conceived a "crack the quota system" campaign. The American Council on Education, together with the league, called a conference, attended by delegates from more than 100 colleges and graduate schools, to discuss discriminatory admissions practices. From this beginning, and helped along by such other pressures as the country's critical need for scholars, the Anti-Defamation League campaign resulted in a drastic decline in the number of quota colleges. Recently, Anti-Defamation League reported that over 1,000 schools have revised application blanks to eliminate one or more questions regarding the racial or religious background of potential students.

Housing discriminations: After 1917, it was commonplace for homeowners to enter into restrictive covenants (the buyer of a house pledged, under penalty of law, not to resell the house to a member of particular minority groups). In the late forties, the Supreme Court ruled that restrictive covenants were not enforceable in the courts. Voluntary agreements on neighborhood purity were not affected. Since then, the league has worked for State and city ordinances aimed at outlawing housing discrimination of any kind. Such regulations are now in force in several States and a number of major cities. The league has also been effective in the housing area using persuasion—backed up by the threat of exposure in the press.

Eight years ago, an Anti-Defamation League regional office began to study complaints of discrimination against Jews in a vast middle-and-upper-income housing development owned by a major U.S. corporation. Jews, it was said, were restricted to certain buildings in a section that had become known as "the ghetto." Anti-Defamation League obtained a list of all project residents and, through a check of contributors to the United Jewish Welfare Fund, followed by a door-to-door solicitation of new members of B'nai B'rith, determined that Jews were concentrated in six buildings. Next, with wives of B'nai B'rith members posing as applicants, Anti-Defamation League proved conclusively that the rental officer gave certain preferences to applicants with "non-Jewish" names. Evidence in hand, Anti-Defamation League representatives met with an officer of the corporation, who assured them that discrimination was contrary to company policy. After an investigation of its own, the corporation confirmed the league's findings. Anti-Defamation League checked on the buildings periodically and is now satisfied that desegregation is being accomplished.

Separation of church and state: From its earliest days, Anti-Defamation League took the position that sectarian religious observances in public schools were a violation of the constitutional provision for freedom of religion. It kept an account of schools displaying religious symbols and distributing sectarian texts to students, but mere exposure of such data had little effect. In recent years, the league has taken a more active role. In New York, it challenged the practice of beginning each school day with the "regents' prayer." It opposed in Pennsylvania a requirement that the Bible be read without comment in the daily opening exercises of public schools; and in Maryland, a requirement that the Lord's Prayer be recited.

Inevitably, the League's vigorous intervention in the running church-state controversy has created friction between Jews and non-Jews. Recently, the Jesuit magazine America wrote an editorial, "To Our Jewish Friends," asking whether the zeal of a "vocal segment" within the Jewish community was not damaging to the community as a whole. Commonweal, a lay-edited Catholic weekly, answered America: "After centuries of Christian persecution of Jews, it would be a monumental irony to accuse Jews of fostering anti-Semitism."

While Catholics argue among themselves about Jews, the consensus is that a greater understanding exists between Catholics and Jews than might have seemed possible a generation ago. To a degree, this accord has been a result of work done by Anti-Defamation League, which has defended Catholic rights; publicized, as a forgery, the so-called Knights of Columbus oath; organized interreligion seminars, conferences, and summer camps, and joined on numerous occasions with Catholic social-action groups to combat intolerance.

Busier than ever today, the league is fighting a single sin—prejudice—in a multitude of ways through national and regional vigilance work, education, and research. From a $500,000 research project set up at the University of California 2 years ago, it hopes to find out, among other things, the role that Christian churches play in anti-Semitism and how prejudice is learned. Dr. Charles Glock, director of the University of California survey research center says: "We want to find out under what conditions Americans, who are usually ambivalent about Jews, transcend this and react toward the Jew, not as a Jew, but as a person." The league expects Dr. Glock's report in 3 years. Meanwhile, some of the Anti-Defamation League's continuing concerns include: textbooks that inadequately teach the history of U.S. minority groups or the story of Nazi Germany; immigration laws that discriminate against ethnic groups; and radical rightwing political groups whose leadership now eschews anti-Semitism, but among whose members are well-known professional bigots.

The league sees no end to the work it is in. As Benjamin Epstein, Anti-Defamation League's operational chief, told Look: "Fighting prejudice is part of a process. The league is one force among many in a great country. Prejudiced behavior has changed because enormous forces—education, government, unions, business, and civic organizations—have been at work and all of them together have made progress. We feel that the league may have been, on occasion, a catalyst. But the important thing is that change for the better has come about because the goal of full equality coincides with the ideals that Americans really believe in. Change comes because people of good will want their ideals to be meaningful in their own lives."

BONNEVILLE POWER ADMINISTRATION EXTENDED TO SOUTHERN IDAHO

Mr. CHURCH. Mr. President, in September, southern Idaho will start collecting on a debt that is long overdue.

The decision of the Kennedy administration to include all of Idaho in the Bonneville power marketing area means that, by late summer, Federal wholesale power customers in southern Idaho will have their rates reduced by approximately 40 percent.

This is only the dramatic beginning of what extension of low-cost Bonneville Power Administration power can mean to southern Idaho—the first installment on a long-deferred payment to Idaho for her contribution to the downstream generation of Federal power.

Since first coming to the Senate, I have sought means by which Idaho could obtain her just share in this downstream generation. Our Snake River drains nearly half of the great Pacific Northwest basin, providing over one-fourth of the annual flow at the big Government dams on the lower Columbia. Our tax money has helped build these mighty dams, and they belong every bit as much to the people of Idaho as to the people of Oregon or Washington. From the beginning, we should have had the right to share in the bounty of our own resources.

Yet, Mr. President, from the start, southern Idaho was left out, while the remainder of the Northwest was enriched by abundant low-cost power from tremendous generators at such projects as The Dalles, McNary, and Bonneville, creating industry, payrolls, and new wealth. Our second-class citizenship lasted until Secretary of the Interior Udall signed the order this week, including the whole of southern Idaho, and small adjoining portions of Wyoming, Utah, and Nevada, within the marketing area of the Bonneville Power Administration. The Secretary's order makes the Bonneville Power Administration marketing area conform with the natural basin drained by the Snake-Columbia River system.

1. IMMEDIATE IMPACT

Of immediate benefit to southern Idaho from the extension, will be the savings from the reduced rates targeted to go into effect by September 1. The 17 municipalities and rural electric cooperatives in southern Idaho, which have been purchasing their wholesale power from the Bureau of Reclamation, will become customers of the Bonneville Power Administration. From now on, Bonneville Power Administration will be the sole marketing agent for all power generated at Federal dams in the Northwest, including the Bureau dams in southern Idaho.

The Bureau's wholesale rates have averaged 5.26 mills per kilowatt-hour, while the Bonneville Power Administration rate for the same class of customers elsewhere in the Columbia River Basin has been 3.10 mills. This means that the Idaho public power agencies should realize savings of approximately 40 percent in the first year. The potential annual savings to the Bureau's present customers, set out in dollar amounts, are listed in the schedule which I ask unanimous consent to have printed at this point in the RECORD:

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

Comparative cost of wholesale power to public agency power distributors in southern Idaho area

Bureau of Reclamation customers	Actual cost, 1961 (calendar year)		Cost at Bonneville Power Administration wholesale rates and potential savings			
	Dollars	Mills per kilowatt-hour	Dollars	Mills	Potential savings	
					Dollars	Percent
1. Nongenerating:						
Village of Albion	12,229	5.81	6,637	3.15	5,592	46
City of Burley	213,962	5.72	112,449	3.01	101,513	47
Village of Declo	6,598	6.23	3,586	3.39	3,012	46
Village of Heyburn	99,191	5.55	58,586	3.28	40,605	41
Village of Minidoka	3,601	6.06	1,913	3.22	1,688	47
City of Rupert	134,888	5.74	71,660	3.05	63,228	47
Lost River Electric Cooperative	118,608	4.45	75,376	2.83	43,232	36
Prairie Power Cooperative	9,505	5.58	6,365	3.74	3,140	33
Raft River Rural Electric Cooperative	237,513	5.06	144,048	3.07	93,465	39
East End Mutual Electric Co	13,956	6.14	7,427	3.27	6,529	47
Farmers Electric Co	8,919	6.26	4,748	3.33	4,171	47
Riverside Electric Co	11,723	6.22	6,259	3.32	5,464	47
Rural Electric Co	52,753	5.93	27,909	3.14	24,844	47
South Side Electric Lines	38,664	5.86	20,697	3.24	17,967	46
Unity Light & Power Co	69,899	5.90	36,946	3.12	32,953	47
Walcott Electric Co	3,285	6.28	1,757	3.36	1,528	47
Subtotal	1,035,294	5.41	586,363	3.07	448,931	43
2. Generating:						
City of Idaho Falls	431,884	4.88	325,000	3.67	106,884	25
Fall River Rural Electric Cooperative	54,379	6.03	44,850	4.97	9,529	18
Lower Valley Power & Light	89,820	5.06	45,000	2.54	44,820	50
Subtotal	576,083	5.00	414,850	3.60	161,233	28
Total	1,611,377	5.26	1,001,213	3.27	610,164	38

Mr. CHURCH. Mr. President, the public power agencies appearing in the above chart service some 25,000 accounts. Since the wholesale cost of the Government power they buy represents a substantial portion of their cost of doing business, the low Bonneville Power Administration rate should result in savings that can be passed through to the ultimate consumer, whether the housewife in Burley or Idaho Falls, or the farmer who pumps his water with power supplied from his rural electrical co-op.

The Secretary's order also meets the projected future power needs of these agencies. The Bureau of Reclamation would have been able to meet their requirements only until the fall of 1964.

2. RECLAMATION HELPED

Contrary to the scare talk already being seeded, the Secretary's order fully protects water needs for irrigation. The Bureau of Reclamation will continue to operate its projects for irrigation and other project purposes. Use of these projects to generate electricity shall remain subordinate to their use for irrigation, in accordance with applicable State water law. Repayment arrangements between the Bureau and irrigation districts will not be disturbed, and there will be no adverse effect upon any irrigator's present water supply or rates.

Far from detracting in any way from irrigation, the order actually enhances the future prospects for new reclamation projects in southern Idaho, since the extension will permit added financial assistance for Idaho projects from downstream power revenues. In this respect also, Idaho thus becomes a full-fledged partner in the development of the Northwest.

3. PROMISING LONG-TERM BENEFITS

The Bonneville Power Administration sells its power only in wholesale lots to: first, municipalities; second, electrical rural co-ops; third, private utility companies; or, fourth, large industrial users. It is the latter that holds such promise for the phosphate industry in southeastern Idaho. At present rates, 25 percent of the cost of producing elemental phosphorus is the cost of power. A reduction of 2 mills would drop production costs by $4.50 per ton, meaning lower prices for concentrated fertilizers and their increased use and demand. It is estimated that an assured supply of cheap power at the Bonneville Power Administration rates would add 3,000 new jobs to Idaho's phosphate industry, and 6,000 new jobs to supporting industries and services, with an aggregate payroll of some $75 million. These new taxpaying industries would be a major breakthrough for Idaho's economy, but to achieve them will require either the construction of a transmission line from the main Bonneville Power Administration grid at Lewiston to Soda Springs, or a wheeling contract with the Idaho Power Co. Because the public interest so obviously demands it, I am confident that a way will be found to solve this problem.

4. DISPELLING SOME "BOGEYS"

The argument heard most frequently against the extension of the Bonneville Power Administration into southern Idaho, is that it will somehow ruin the private utility companies which have opposed the move, and thus deprive us of the taxes they pay. Nothing could be further from the truth, as the years

ahead will bear out. Private power companies have long engaged in business within the old Bonneville Power Administration marketing area, in Oregon, Washington, northern Idaho, and western Montana, without impediment. In fact, they have prospered and expanded most profitably, while their rates have actually declined.

In southern Idaho, where the Idaho Power Co. rates were increased just months ago, our experience has not been so favorable. But, in the long run, with Bonneville Power Administration power becoming available to bulk customers and to the private utilities themselves, the lower wholesale rate will gradually temper retail rates, unless our experience is to differ from that of our neighbors. Thus even those who purchase their power from the private utility companies will eventually stand to gain.

Last year when I joined with Representatives RALPH HARDING and Gracie Pfost to petition Interior Secretary Udall to investigate the feasibility of marketing Bonneville Power Administration power in southern Idaho, I predicted there would be bitter recriminations. Now that the investigation has proved the extension to be sound, and the order has been signed, that prediction is coming true. But I said then, and say again, that with our success in finally getting cheap power introduced into southern Idaho, the day will come, after all the sound and fury has died away, when people will say: "What a great thing this has been for everybody. Why didn't we have it from the start?"

THE COMMUNIST CONSPIRACY—SOUTHEAST ASIA

Mr. DOMINICK. Mr. President, on May 17, 1963, I addressed the Senate on the subject of southeast Asia, pointing out the problems in Laos, and the possible loss of all of southeast Asia as a result of the failure of the coalition government which we were largely instrumental in forcing into power. I asked what the administration policy was in southeast Asia. Recently other comments were made by Senators of both political parties, asking what the administration policy is in a number of foreign fields.

I was interested to read in yesterday's Washington Daily News a column written by Virginia Prewett, a highly competent reporter, entitled "What Is Administration Policy?"

I believe that at least two paragraphs of the article should be read to the Senate. Later I shall ask unanimous consent that the entire article be printed in the RECORD. Miss Prewett writes:

Leaders of the Kennedy administration who back the "Rostow Position Paper" in foreign policy apparently have leaked the details of this key set of guidelines to inform the American people of what is going on. This is healthy.

As previously noted in this column, expressed most simply, the "Rostow policy"—when applied at Latin America and Africa—is "an effort not to win allies or even friends, but to help build stable, peaceable and economically sturdy nations, 'hopefully responsive to the consent of the governed.'"

Cuban policy concentrates on avoiding war with Russia.

Major postwar history disproves the idea that communism can be overcome with economic aid alone. The Marshall plan in Europe, even though it rebuilt devastation, was not winning against communism until NATO was formed and Truman took a bold decision to stop communism by force in Greece.

If we need any further proof that a rising living standard by itself does not wean people away from communism, we have only to consider the recent Italian elections. Italy is more prosperous today than it has ever been. Yet the Communist vote is rising, as the United States tolerates Castro, courts Yugoslavia, and toys with recognizing Hungary.

Mr. President, the point of my reading from this article is that throughout the entire country people are trying to determine what the administration's policy is with respect to all the crucial areas which confront us on every continent of the world. We get no reply other than that, apparently, we do not wish to embarrass Mr. Khrushchev, or that we do not wish to take any firm action which will result in our being able, as leaders of the free world, to try to win the contest in which we are engaged.

Because I believe this is such a good article, I ask unanimous consent that it be printed at this point in the RECORD.

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

[From the Washington (D.C.) Daily News, May 22, 1963]

WHAT IS ADMINISTRATION POLICY?

(By Virginia Prewett)

Leaders of the Kennedy administration who back the Rostow Position Paper in foreign policy apparently have leaked the details of this key set of guidelines to inform the American people of what is going on. This is healthy.

As previously noted in this column, expressed most simply, the Rostow policy—when applied at Latin America and Africa—is an effort not to win allies or even friends, but to help build stable, peaceable, and economically sturdy nations, hopefully responsive to the consent of the governed. Cuban policy concentrates on avoiding war with Russia.

ACCOUNTING

This thesis accounts for the Kennedy administration's heavy emphasis on the Alliance for Progress in Latin America and the attempt to avoid political issues there.

Major postwar history disproves the idea that communism can be overcome with economic aid alone. The Marshall plan in Europe, even though it rebuilt devastation, was not winning against communism until NATO was formed and Truman took a bold decision to stop communism by force in Greece.

If we need any further proof that a rising living standard by itself does not wean people away from communism, we have only to consider the recent Italian elections. Italy is more prosperous today than it has ever been. Yet the Communist vote is rising, as the United States tolerates Castro, courts Yugoslavia, and toys with recognizing Hungary.

In studying the Rostow position, the question arises as to why the United States finds its desirable to make "an effort not to win friends or even allies." The Kennedy administration's "Kremlinologists" are supplying the answer quite freely in their behind-scenes briefings these days. They say simply that a major objective of U.S. foreign policy at present is to avoid pushing Khrushchev, for fear that he'll fall and we'll get somebody worse in Russia.

EXPLANATION

The Christian Science Monitor recently explained how this works in Cuba and southeast Asia.

In Cuba, the United States is protecting the position of the Russians because Castro's more violent tendencies would make things worse without them, says the Monitor.

In Laos, says the paper, the United States thinks Russia should be the more dominant power, in opposition to the Red Chinese. Hence we are taking a strong stand there.

This respected newspaper explains U.S. policy by saying in effect that U.S. policy is guided by a desire to protect Russian interests in Cuba and southeast Asia.

This manipulation may explain what is happening, but it by no means agrees with what the administration says when its leaders go to Congress for money or to the American people. The whole question needs clarification by the White House.

ANNUAL SESSIONS OF THE U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT IN THE DISTRICT OF HAWAII

Mr. INOUYE. Mr. President, I have recently been appraised by my colleagues in the Hawaii Bar Association that pressures might be exerted upon Congress to eliminate the practice of the judges of the U.S. Court of Appeals for the Ninth Circuit sitting in Honolulu once a year. The argument apparently seems to be that such trips undertaken by these judges place an unnecessary drain on Federal funds.

I should like to point out the following facts, which are supported by members of the Hawaii Bar Association, as well as distinguished members of the bench in Hawaii.

Prior to 1962, the practice was that Hawaii attorneys all had to go to San Francisco or Los Angeles to argue cases initially brought up in Hawaii. Although, of course, every attorney welcomes a client who can afford to send him to the mainland United States to argue a case in the Ninth Circuit Court, such trips imposed a tremendous burden upon the client. In addition to the $300-plus round trip expenses involved, it usually took 3 days of the attorney's time, plus expenses. This meant that there was a minimum bill of between $750 to $1,000 imposed against each side in every case appealed to the Ninth Circuit Court. Furthermore, in terms of judicial procedure, prior to 1962, local attorneys in Hawaii had no opportunity to see and observe how an appeal was handled by the circuit court until they had to confront the court for the first time with one of their own cases to argue.

Thus, in terms of expenses involved and judicial procedure it appears to me that any attempt to deny the State of Hawaii the right to confront the judges of the U.S. Court of Appeals for the Ninth Circuit in Honolulu is unreasonable.

In addition to these factors, I should like to point out another factor which indicates how valuable it is to the cause of justice to have members of the Ninth Circuit Court visit Honolulu annually.

This factor was starkly brought out during the last sitting of the court in Honolulu. At that particular time there were two appeals taken in proper. This meant that the citizens involved presented their own cases to the judges of the Ninth Circuit in Honolulu. In neither case could the appellants have afforded to have taken the expensive trip to San Francisco or Los Angeles to present their own cases. Regardless of the merit of the appeals in the two instant cases, the mere physical presence of the judges of the Ninth Circuit in Honolulu enabled these citizens to present their cases before the bench of justice, a right which should be always resident in the citizen. Now, had it not been for the judges of the Ninth Circuit going to Honolulu, this fundamental right of every American citizen would naturally have been denied these appellants.

The annual visits of the judges of the U.S. Court of Appeals for the Ninth Circuit to Honolulu since 1962 for these reasons mentioned have been looked upon by all in Honolulu—citizens, trial attorneys, as well as the members of the bench—as extremely necessary.

In conclusion, I wish to state that any attempt to discontinue this practice is to me basically an infringement of the American concept of justice and due process.

Mr. President, I ask unanimous consent to insert at this point in the RECORD a resolution adopted by the executive board of the Bar Association of Hawaii on May 13, 1963, pertaining to annual sessions of the U.S. Court of Appeals for the Ninth Circuit in the District of Hawaii.

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

RESOLUTION PERTAINING TO ANNUAL SESSIONS OF THE U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT IN THE DISTRICT OF HAWAII

Whereas there has been both a desire and a need of long standing for the U.S. Court of Appeals for the Ninth Circuit to hold annual sessions in the District of Hawaii; and

Whereas, it is evident that the citizens of the State of Hawaii are entitled to enjoy the same opportunity afforded all other citizens expeditiously and economically to pursue the right of appeal; and

Whereas the geographic location of the State of Hawaii is such that, unless said court of appeals holds annual sessions in the State of Hawaii, the citizens of the State of Hawaii must incur unusually heavy burdens, both in time and in money expended, in order to pursue the right of appeal; and

Whereas such considerations of time and money have in the past precluded citizens from exercising their right of appeal; and

Whereas the principle of equal justice recommends that no citizen be forced to abandon a right before the courts because it cannot be pursued expeditiously and economically; and

Whereas in response to this need, the Court of Appeals for the Ninth Circuit held sessions in Honolulu, Hawaii, in 1962 and 1963, resulting in an opportunity for persons who would otherwise have been forced to abandon their right to appeal to be heard: Now, therefore, be it

Resolved by the Executive Board of the Bar Association of Hawaii, That the U.S. Court of Appeals for the Ninth Circuit be, and it hereby is, respectfully requested and invited to hold annual sessions in the District of Hawaii on a permanent basis; and be it further

Resolved, That copies of this resolution be sent to the Members of the Congress of the United States from the State of Hawaii, to the chief judge, U.S. Court of Appeals for the Ninth Circuit, and to the Director, Administrative Office of the U.S. Courts.

I hereby certify that the foregoing resolution was adopted by the executive board of the Bar Association of Hawaii on May 13, 1963.

BETTY M. VITOUSEK,
Executive Secretary,
Bar Association of Hawaii.

RADICAL RIGHT

Mr. JAVITS. Mr. President, our distinguished colleague and deputy minority leader, Senator KUCHEL, made a speech here some days ago on the radical right so timely and appealing that it is still reverberating in the public press. A fine article on this subject has been written by Alan E. Emory in the outstanding north country newspaper, the Watertown Times of Watertown, N.Y.

I ask unanimous consent that the article be printed in the RECORD.

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

CALIFORNIA'S KUCHEL ALL THROUGH BEING PATIENT WITH RADICAL RIGHT

(By Alan S. Emory)

"I would like to call you a lot of rotten, insulting names befitting a traitor or rat.

"If we get enough Senators like you in Washington, the Communists certainly will have nothing to worry about.

"There is more Americanism in one of [Gerald L. K.] Smith's little fingers than your whole rotten, foul-smelling carcass."

This is the kind of mail that has been flooding the office of Senator THOMAS H. KUCHEL (pronounced Kee-kul), son of a pioneer newspaper editor who ran the Ku Klux Klan out of Anaheim, Calif., for persecution of Catholics. Now the California Republican is under fire himself for pointing the finger at the far rightwing groups whose "ugly labors," he says, "perform * * * a service to the Kremlin itself."

Senator KUCHEL, a determined, energetic liberal, first heard of the John Birch Society at the 1960 Republican National Convention, but did not concern himself very much about it. Soon, however, an avalanche of mail descended on his office condemning former President Eisenhower and Chief Justice Earl Warren as tools of the Soviet Union, and in the spring of 1961 Senator KUCHEL made a speech urging investigation of the rightwing elements.

Even after his reelection last fall by more than 700,000 votes the rightwing attacks continued, particularly on Operation Water Moccasin III, an Army exercise in counterinsurgent warfare attended by 124 observers from friendly nations.

Senator KUCHEL had his staff get the facts from the Army, conferred with the Senators from Georgia, where the exercise was conducted, wrote calm letters of explanation to his constituents explaining that thousands of foreign troops were not being trained by the United Nations to take over the United States. His efforts failed.

As the "hate mail" continued to pour in, the Senator decided it was time to stand up in the Senate and call them to account.

"A Member of Congress has the responsibility of leadership," he said in an interview the other day. "I tried to discharge that leadership. This is something that needed to be said, needs to be said again and by more people. In every generation you have people who take an extreme position on questions, but it is simply incredible they can believe there is a giant conspiracy in the American Government to turn over the whole country to the Soviet Union and communism."

One of the Senator's problems is that the rumors about Operation Water Moccasin were spread in a congressional newsletter by Representative JAMES UTT, of California, who denounced Senator KUCHEL for the attack on the rightwing.

The KUCHEL speech was not exactly a surprise to those who knew him well. His father, Henry Kuchel, son of a pioneer family that founded Anaheim (home of Disneyland) in 1859, lost his sight when Thomas was born in 1910, but continued his work, dictating editorials to his wife and later, his son. Young THOMAS researched history and Government for his father, acquiring a thorough background in the subjects.

As a child he did odd jobs in the print shop and on the Anaheim Gazette, attended public schools in Anaheim, and received his bachelor's and law degrees from the University of Southern California. He practiced law and, when a man who worked for his brother suggested he run for the State assembly in 1936, he did and was elected twice there, twice to the State senate.

At the age of 30 he was the youngest man ever elected chairman of the Republican State Central Committee of California, spent from 1942 to 1945 in the Navy and, on February 11, 1946, was appointed State comptroller. The following November he was elected by the largest vote ever received by a candidate for that office. In 1952 Gov. Earl Warren appointed him to the U.S. Senate, and he was reelected by whopping margins in 1954, 1956, and 1962.

"I take my Republicanism from the Lincolns, the Teddy Roosevelts, Hiram Johnsons, Earl Warrens, and Dwight Eisenhowers," Senator KUCHEL says. He distributed Johnson handbills while in high school and worked in the Senator's reelection campaign in 1934.

A stanch public power advocate—he supported New York State construction of the Niagara River redevelopment—he battled against bitter opposition to win Government construction of the Trinity River project in California. The Pacific Gas & Electric Co. fought him every foot of the way, and the Eisenhower administration Secretary of the Interior, Fred A. Seaton, favored Federal building of the water project, but sale of the hydroelectric power by the utility company.

Senator KUCHEL strongly opposed this partnership plan that gave kilowatts priority over actual use of the water and won his fight. However, the battle continues with the question of who should distribute the power from other phases of the project.

The Senator is an energetic, but comparatively self-effacing man. He writes no newsletter, only does a regular twice-a-month radio show during campaign years when funds are available. He makes a point of barring afternoon appointments, preferring to stay on or close to the Senate floor, from which he can be summoned for discussions. He frequently works out in the Senate gymnasium to stay in shape.

However, he does not get much chance to play his favorite game of golf, though he has a standing invitation to match shots with Sam Snead at White Sulphur Springs, W. Va., whenever he wants. Recently he and a newspaper publisher friend drove a long distance to a good course to play, got out of the car and closed the doors, automatically locking it with the keys inside and the clubs on the back seat. The two men had to search high and low along the manicured course to find a rock to break a car window so they could get their clubs out.

Senator KUCHEL's speech on the right wing was notable, because among other things, he

is the GOP Senate whip, or assistant leader and the liberals' counterpart to conservative EVERETT M. DIRKSEN, of Illinois. On May 2 he told the Senate, "It is disgusting to find self-appointed saviors, whether infantile or cunning, preying profitably and psychotically on the fears of Americans in the name of anticommunism. They are doing the devil's work far better than the Communists themselves could do.

"America has enough immediate and deadly dangerous enemies without adding hobgoblins," he added. "It is distressing and disillusioning to find persons of normal educational attainments—or any educational level—falling hysterically and emotionally, without reservations, for the unadulterated venom spewed by out-and-out crackpots for paranoia and profit * * * They seek to divide and too often succeed in dividing our people, far better than any Communist agents could do."

Replied an unsigned correspondent. "That was a speech that could only come from the brain of a jackass. You are indeed a damn fool." A postcard shouted, "You lier (sic)." Another writer saluated the Senator with, "Hail Comrade," and attached a red ribbon as the "red sash of the Great Order of Lenin."

Others said, "You are brainwashed." "You Kennedy-Khrushchev-Knigger-lovin' demon." "Why don't you create an army made up of Senators and Jews?" "I went to the bathroom and vomited." "Dear TomAss the Kuchelectivist."

"Have you consulted a psychoanalyst lately?" asked a letter. "You know you really should. We are sorry for you, you are a sick man." Another wondered if "you think you will get a slice of the Communist pie, a seat in the Politburo or if you are just plain stupid."

And one said that "if Nelson Rockefeller is as intelligent as I think he is he won't have you on the same ticket with him."

"I read the letters in fascinated horror," Senator KUCHEL says.

Senator KUCHEL, who has been mentioned as a possibility for the Republican ticket in 1964, is weathering the storm, with the support of his wife, Betty, and his daughter, Karen, who feels he did the right thing. The editorial commendations are beginning to pour in, though the 10,000 communications that followed his speech still tend to favor the "lunatic fringe."

One of the Senator's staff assistants, Miss Ruth Crayford, is a native and former resident of Heuvelton. A former White House employee, she is the granddaughter of Fred Rounds, former town clerk of Depeyster and later of Ogdensburg.

The nephew of the last speaker of the Arizona territorial legislature, Senator KUCHEL is fond of quoting Lincoln and Winston Churchill "at the drop of a hat," as an aid put it. And his friends think it typical that he frequently uses the words "honor" and "honorable" when he speaks in the Senate.

They think those words fit THOMAS KUCHEL to a T.

THE NEED FOR VOCATIONAL EDUCATION

Mr. BOGGS. Mr. President, a chorus of support appears to be rising throughout the country concerning the need for a fresh approach toward vocational education.

The idea that young people, and older people too, require training for jobs is not a new one. But the emphasis on this need for training has increased in direct proportion to the advancement of our technology and the disappearance of jobs requiring little or no skills.

An employer today is looking for something besides willingness. He wants the person he hires to apply know-how right away, or at least be trained sufficiently in basic skills needed for advanced or specialized training.

It is with this background in mind that I introduced S. 1222, which would expand vocational training programs in the country in cooperation with the States. It is already late for this expansion, and to mark time in the field of education for employment is to fall behind.

The latest publication to feature the need for a new look in job training is Look magazine. Companion articles by George B. Leonard, entitled "Are We Cheating 20 Million Students?" and "The Real Crisis in Education," explore an effective new vocational education program and appraise the overall education problem.

I commend both articles to my colleagues and ask unanimous consent to have them printed in the RECORD.

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

[From Look Magazine]

FORGOTTEN 8 OUT OF 10—ARE WE CHEATING 20 MILLION STUDENTS? MOST HIGH SCHOOLS CATER TO STUDENTS WHO WILL GO ON TO FINISH COLLEGE—NEGLECT OF THOSE WHO WILL NOT HAS CREATED A NEW CRISIS

(By George B. Leonard)

"If the present trend continues, we are going to have 7½ to 8 million high school dropouts in the next 10 years. This probably means that in some areas we're going to have 70 to 80 percent of the young people unemployed. I think that's dynamite. If people don't have any hope, any prospect for the future, what are they going to turn to?"

Attorney General Robert F. Kennedy, the President's top adviser on youth problems, raised this ominous and seemingly unanswerable question in a recent Look interview. His dismay springs from a startling set of figures now circulating among political and educational leaders: During this decade, a record 26 million young people will enter the Nation's already overloaded labor force. At most, 2 out of 10 will be college graduates, even if college enrollments double. The remaining 8 out of 10—more than 20 million—will be high school dropouts, high school graduates and those who fail to finish 4 years of college. Every available study of the job market shows that from this 20 million will come most of our unemployed.

A growing number of experts are using these figures to argue that our schools must turn to the immediate needs of the majority, must train them for specific jobs rather than prepare them for college.

The argument is a strong one. Today, nationwide, nearly 30 percent of high school dropouts are unemployed—and in some big cities, this figure more than doubles. Even high school graduates average 15 percent unemployed. Yet only 5 percent of those who have graduated from trade schools are out of work. Furthermore, Look research reveals that the few first-rate vocational schools in the Nation can count on more jobs than they have graduates to fill them—sometimes five times as many.

But the issues being raised here go far beyond the problem of unemployment. Hidden in the current push for more job training in U.S. schools is a fundamental criticism of our educational philosophy and our social values.

On the following pages, Look shows how one good trade school can affect the lives of America's forgotten 8 out of 10, then goes on to examine the promise and dangers of a new emphasis on vocational education.

MOST SCHOOLS TRAIN STUDENTS FOR COLLEGE OR NOTHING—TRADE-TECH FILLS THE VOID

Most parents and teachers would find Los Angeles Trade-Technical College a strange sort of school. As an accredited California junior college, it offers an optional 2-year academic program leading to an associate in arts degree. But the great majority of its 10,000 students never see the inside of an academic classroom. They are at Trade-Tech for a single purpose—to learn a trade and get a job—and they toil 6 hours a day with a singlemindedness that verges on grimness—at giant ovens, in auto shops, at long rows of metal-working lathes.

Trade-Tech teaches 60 trades, ranging from industrial electronics through fashion design to drycleaning. In most cases, students stay with one instructor throughout the school day. The Trade-Tech instructor is not an academic man, but a successful practitioner of his craft. He guides his students through both theory and practice, and eventually helps place them in the right jobs.

Jobs. At Trade-Tech, everything else is secondary. School officials listen less passionately to scholarly voices than to the voices of industry. "Will this help our students get jobs?" a Trade-Tech dean asks labor and management representatives. "Are jobs in this field available? Otherwise, let's forget it."

There's another thing about Trade-Tech that would surprise educators of a less practical persuasion: Nationally, and in California, too, more than half of all junior-college students drop out during their first year. And yet Trade-Tech's shops are always full. Should a student leave (many get jobs before finishing their full 2 years), his place is taken by the next man on the school's huge waiting list. ("I could fill a new 10-story building from our waiting list," Trade-Tech's dean of admissions told Look.) This irregular influx of new students during a term is hard on instructors and students alike. But school administrators feel it would be far worse, in this urgent age, to let a single piece of equipment stand idle.

Look at Trade-Tech from the vantage point of its waiting list, and you see not merely a school, but a desperate rescue operation. Some students come directly from high school. But most have been out of school for months or years. They are members of the unfortunate majority who leave school with no marketable skill. They are among the millions who are buffeted from job to job, who know the despair of seeing the word "unskilled" or "semi-skilled" on their employment forms. They are workers who have gone through an average of 10 jobs before coming to Trade-Tech. "They have been defeated," says Dean of Instruction Franklin R. Johnson. "You can see defeat in their eyes."

To such people, "getting a trade" takes on a distant, almost magical glow. A university graduate student may yearn for a Ph. D. But his yearning cannot match that of an unemployed, unskilled young man with wife and children who has a simpler goal: to be able to take a battered fender and make it smooth and right.

"I'm ready to settle down with all my heart and soul and learn a trade," says the unemployed graduate of a "general" high school course. Trade-Tech opens its doors to him and everyone else, asks few questions about the past, looks into the future with an almost doctrinaire faith that every human being can learn some marketable skill.

Those who can attend Trade-Tech are more fortunate than most young Americans

who will not graduate from college. In communities of less than 2,500, only about 1.5 percent of the schools offer any vocational education other than agriculture. Even in the largest cities, less than a fifth of the students are enrolled in vocational training.

How good are the Nation's vocational schools? Mediocre to poor for the most part, say experts in the field. Vocational agriculture gets a disproportionate share of Federal and State vocational funds, though the farm population is fast declining. Most schools teaching trade and industrial skills lag behind the rush of technology, waste time on out-of-date crafts and techniques. Many serve as a sort of backroom where academic-minded superintendents can hide the educational cripples their own practices have helped create.

Trade-Tech and a growing number of schools around the Nation offer trade training after high school. But, generally, vocational schooling is jammed into a high school curriculum that leaves little time for education in art, music, the pleasures of cultural knowledge, the uses of citizenship.

A multitude of problems appear when vocational education is closely examined. These problems reduce the great education debate of recent years to what it always was: a quibble over terminology, a tilting at windmills.

"THIS SCHOOL IS MY ONLY CHANCE"

Raymond Hornsby was put in a Kentucky orphanage at the age of 8, after his mother died. At 13, he ran away. The years that followed were a nightmare of constant travel, loneliness, and insecurity. "I've done it all and seen it all," Ray now says, referring to a past that can best be described as checkered. His travels took him to many towns, many schools. He never got a high-school diploma. Ray Hornsby's case is extreme. But he shares one problem with millions of young Americans who may have had stable homes and good high school educations: In his mid-twenties, married and the father of a child, he has no skill that will earn him a steady living. This winter, close to despair, Ray heard about Trade-Tech. "At first," he says, "all I knew was it was free. That was enough. I'd always liked to work with cars, so I went down and took my test to be an auto mechanic, but there weren't any openings at the time. I was in a hurry. I needed a trade bad. So the counselor told me I could go into body-and-fender work. I felt it was my only chance. Now, I like it. I like my instructor. And now, I have hope."

"I'M NOT RESENTFUL, I'M GLAD"

"I feel glad that Ray's doing something that he likes and wants to do," Shirley Hornsby says. "And I don't feel resentful that I have to work while he's doing it. I know someday we'll have a little extra money so we can own our home and have another child or so—maybe a little girl." Says Ray, "Now that I'm learning it, I like it, I like body-and-fender work. It's something that's tore up and you put it back together yourself, and you look at it and say, 'I did this myself.' It's a great feeling."

At the beach, Ray speaks of his son: "He's everything to me. I want him to grow up and go to college and be a lawyer. But if it turns out he doesn't like bookwork, I won't push him into it. He might want to work with his hands. Then he could go to trade school and be a body man. And that would be all right."

THE REAL CRISIS IN EDUCATION—WE NEED MORE VOCATIONAL EDUCATION—BUT PRESSURES MAY TURN OUR STUDENTS INTO TECHNICIAN SLAVES

The most explosive subject in this country is no longer religion or politics. It is schools. Education became public issue No. 1 around the time of the first sputnik in 1957. Since then, the feelings of millions of parents have gone from concern to obsession to near hysteria.

Those most vehement in the Great Education Debate usually have assumed that the major purpose of the public schools is to prepare students for college, that the purpose of college is to prepare them for personal success, and that perhaps the ultimate purpose of the whole process is to make our Nation stronger than its potential enemies.

In all the talk about schools, vocational education until now has rarely been mentioned. All has changed. After years of neglect, vocational-technical training has become a hot issue. This spring, in fact, it is being pushed as a solution for every problem from high school dropouts to juvenile delinquency and unemployment. Recent magazine articles have followed this panacea tack. In Washington, President Kennedy now gives top priority to improved job training in our schools. Republican strategists are supporting more vocational education as an alternative to Democratic-sponsored youth-employment bills. The President wants both.

Much of the credit for the new, urgent national interest in school job training must go to the President's Panel of Consultants on Vocational Education. This group, headed by Chicago school superintendent Benjamin Willis, released its final report in April. The report details the chilling employment statistics presented on preceding pages of this story, and sets forth strengths and weaknesses in American schooling for "the world of work." It ends with a recommendation that Federal spending for vocational education be increased more than fivefold, to a total of $400 million next year. Since the panel members represented opposing viewpoints, the report bears the invisible scars of compromise. It offers few if any new ideas.

Arguments on means aside, everyone agrees that some change must be made in the way we educate those millions who are not going to finish college. The present crisis does not signify a deterioration of our schools or a sudden jump in dropouts. Just the opposite: The percentage of young Americans graduating from high school has risen from 6 percent in 1900 to 17 percent in 1920 to an all-time high of 65 percent today. Then what is wrong? This: Today's complex, technological society has become entirely unforgiving of the untrained. Young people who once could have worked as unskilled factory or farm laborers have no place to go but street corners.

In coast-to-coast visits to vocational schools and interviews with leading educators, Look has confirmed that more and better vocational education is one of the answers to the problems of the noncollege graduate. But it is not the only answer. And it holds dangers that are not being aired in the current public statements on the subject.

Start with Connecticut, which boasts the best statewide system of vocational schools in the Nation. Its 14 trade schools are operated by the State, rather than by local school districts. Students may travel beyond their own districts to get the vocational and technical training they wish—but only if they qualify. Right now, barely a third of those who apply are accepted by Connecticut's fine vocational schools. The State's two postgraduate technical institutes are even more exclusive. Junior high school principals complain, only half jokingly, that "it's easier to get into Yale than into the vocational and technical schools."

Throughout the Nation, vocational schools are raising their admission standards. This rise will improve the quality of training. And it will brighten the public "image" of vocational education—which certainly needs brightening. But it will not help the slow student who is most likely to become a dropout. Low admission standards don't seem to help him either. In those big-city vocational schools that make no attempt to keep out slow students, the dropout rate generally is higher than in academic or comprehensive high schools. "Vocational education is not the big answer to dropouts," Daniel Schreiber, chief of a dropout project for the National Education Association, told Look.

Vocational education can be quite effective as an aid in solving youth unemployment. Seymour Wolfbein, Director of the Office of Manpower, Automation and Training of the U.S. Department of Labor, was emphatic on this point. "Scratch an unemployment problem," he told Look, "and you find a vocational education problem. We'll need 5 million new skilled laborers in the next 10 years. We're training about a fifth of this." Many experts shake their heads at the spectacle of skilled jobs going begging while millions of the unskilled can find no work.

A CHILD'S EARLIEST LESSON IS THIS: LEARNING CAN EXCITE, CHALLENGE, PLEASE—OR TURN INTO A MEANINGLESS HELL

But even as an antidote to joblessness, vocational eduction has limits. Today, the most effective trade schools, in close cooperation with labor and industry, train students for specific jobs (plasterer, sheet metal worker, machinist, etc.). But in this swift-changing world, specific skills constantly move toward obsolescence, while new, strange skills suddenly pop up out of nowhere. Said Wolfbein, "Even if the schools were doing good vocational education, we'd have to have post-graduate retraining in the future. Look at the ads for technicians in the New York Times. There are words there not even existing 5 years ago."

STUDENTS DESPISE ACADEMICS

A growing number of schools offer vocational training after high school. High schools that attempt to give both full-scale vocational training and the regular high-school curriculum often succeed at neither. These schools are dreary places. Three hours a day of shop leave time for only a skeletal academic program. What happens? Academic subjects tend to be taught in a dry, perfunctory way that serves to reinforce the dislike for bookwork many students bring with them from home and earlier schooling. Almost every vocational student interviewed by Look said he despised academics. "What I like about this school," a Georgia electronics student emphasized, "is that you don't have to take social science and literature and art. That stuff is good for conversation and social affairs, but there's no other use for it."

Here is deep irony: The U.S. workweek, already short, is almost certain to become even shorter in the future. Skilled craftsmen, now training in vocational schools, will have more leisure time than any other job group. But it is they who are getting the least experience in activities that will make leisure creative rather than destructive. The age of automation holds few threats more ominous than an overdose of free time for those unprepared to use it.

The worst thing about all-out vocational training at the high school level is that it forces the student to choose his trade, his slot in the work force, at the age of 13 or so. Good vocational schools try to keep the way clear for students to change vocations throughout their school careers. But the average student finds it difficult, if not impossible, to make a change after the 10th grade.

If vocational training as it now exists should be crammed into more and more high schools, it could well change the entire

structure of our society. As in Europe (where the educational system is now undergoing reform), a majority of our young people would have their lives decided for them just when they enter their teens. They might develop into efficient human tools in the technological machine. But they would have no opportunity to develop to the full as human beings.

The history of vocational education in America has been a sequence of crisis actions. This type of schooling has flourished in wars and national emergencies. Today, we are cheating millions of students by failing to give them job training. But we would also be cheating them with new crash programs that treat human beings as means, not ends. Some situations—notably in the centers of the big cities and in depressed areas—cry out for specific job training at the high school level. But far better are programs that retain the richness and diversity of the best secondary schools, reserving the years after high school for specific job training. Such is the opinion of many educators interviewed by Look.

What may be needed is an entirely new way of handling the nonacademic student in high school. One plan would create a high-school "technical track" that would enroll practical-minded students who are not necessarily planning to finish a 4-year college course. This track would teach the basics of our technological age—mathematics, practical physics, blueprint reading, and the like—and would replace the conventional 3-hour-a-day shop period with a 1-hour "tech lab," relating closely to the basic subjects. That would still leave time for the other elements of the American high school experience: humanities, citizenship training, art, music, and—also important—extracurricular activities.

Technical-track graduates would go on to specific job training in concentrated post-high-school programs. Or they would attend technical institutes to become technicians or engineering aids. They could even go on to a 4 year college—or leave the vocational-technical field entirely.

An experimental technical-track program is underway in two Richmond, Calif., high schools and may expand to seven more California schools. Reports Marvin Feldman, director of the program, "Though it's still experimental, it looks so good we're holding our breath."

WE'VE GOT TO CATCH THEM EARLY

Many educators interviewed by Look insisted that vocational training not be treated in a vacuum apart from the rest of the educational process. The solution for the dropout problem, they argue, starts not in trade school, but in the first grade.

A child's earliest lesson is simply this: He discovers that learning is exciting, challenging, a pleasure. Or he finds it a sort of meaningless hell that he will try to avoid as long as he lives. To make learning a pleasure requires knowledge, skill and direction of a high order, especially in working with children who come from culturally deprived homes. The best teachers may be the true heroes and saints of this age.

Some educators fear that the present school atmosphere of pressure and near hysteria is the worst possible environment for making learning a pleasure. Part of the blame for this must go to those critics of American education who rode high in the years following sputnik. At best, they demanded better teacher education, an end to extremes of permissiveness and an emphasis on the basic subjects. At worst, they engaged in meaningless diatribes about terminology ("progressive," "life adjustment," etc.) and made vague and threatening demands for "excellence" and "rigor"—which they rarely if ever defined in operational terms. Most incredible of all was their claim that it matters not in the least "how to teach" if the teacher knows "what to teach." ("Anyone who says that should have his head examined," educator and philosopher Harold Taylor told Look. "Or, better yet, he should be sentenced to attend a week of lectures by a subject-matter specialist who doesn't know how to communicate with students.")

Teachers and school administrators were badly frightened by the critics' attacks. What could they do? In all the semantic nonsense assaulting them, the teachers found one prescription that lent itself to action: "Get tough." Many, many teachers did just that. Often without improving the quality of the material or the presentation, they doubled their demands on students. It is doubtful that the students are learning more than they would with half the work intelligently and imaginatively assigned. What they are mainly learning is to despise school and all intellectual activity.

This state of affairs, writes Prof. Nevitt Sanford, director of the Institute for the Study of Human Problems at Stanford University, can create a "slave mentality" in students. "We are not proceeding in a way that will give us excellence in performance on the job or in life. Our student-slaves might be suitable technicians in the future, but it is a little hard to imagine their becoming leaders of society . . . or well-developed individuals."

Again, we are face to face with the assumption that human beings—be they in vocational school, academic school, grade school or college—can be treated as means rather than as ends in themselves.

Instead of "getting tough" and making the learning process as unpleasant as possible, educators would do better to join in the search for improved methods of teaching and learning that will make our schools more effective, more pleasant and more human. Significantly, most critics of modern American education are not be bound in the forefront of those calling for new and better methods of teaching. Among their more imaginative ideas is the proposal that we go back to McGuffey's Reader. Despite their longing for a dear, dead world, the last few years have seen the development of several promising new learning methods. For example, recent experiments in programed instruction (Look, June 5, 1962) suggest that every child, except the seriously retarded, can learn to read—with pleasure. And lack of reading ability is at the very heart of the dropout problem.

Another factor in the destructive pressure brought to bear on today's students is the rat race for college degrees. "Today, attendance at college . . .," John W. Gardner, president of the Carnegie Corp. of New York, has observed, "becomes, in the false value framework we have created, the only passport to happiness."

The greatest danger in education today—whether vocational or college—is that human beings will be treated as nothing more than slaves of schools and tools of society. John Gardner and others have pointed out that education in the future will not end with any certificate of graduation; people will go "back to school" perhaps several times in their lives.

This itself will help destroy the artificial emphasis on certain types of education. "Emphasis will be on individual fulfillment and personal growth, however they may best be furthered," writes Gardner, "and they will be sought for all."

GEORGE B. LEONARD.

HILL-BURTON FUNDS AND THE NEW ANDERSON MEMORIAL HOSPITAL IN ANDERSON, S.C.

Mr. JOHNSTON. Mr. President, just last Saturday in my native county of Anderson there was dedicated a five and one-half million dollar hospital. This hospital is one of the finest and most modern in the State of South Carolina and climaxes 50 years of efforts on the part of the people of Anderson County. In commending the citizens of Anderson for constructing this hospital I could not do so without paying tribute to my distinguished colleague from Alabama—LISTER HILL. Because if it were not for $2 million made available under the Hill-Burton Act the hospital in Anderson probably might not be off the planning board yet. The Hill-Burton Act is one of the finest ever devised in the Congress because it stimulates construction of hospital facilities and at the same time leaves management of the hospital to the local people. The doctors of America have been blessed with the Hill-Burton program as well as have been the patients who are treated in these hospitals. Hospitals built with Hill-Burton funds have enabled doctors to reach many more patients and give them much finer care than they could have done without such facilities. An editorial which appeared in the Anderson Independent of Saturday, May 18, 1963, carries this message, and I think it should be seen by as many people as possible since it pays such great tribute to the senior Senator from Alabama.

Mr. President, I ask that this editorial from the Anderson Independent be printed in the body of the RECORD together with my remarks.

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

ANDERSON HOSPITAL DEDICATION: MILESTONE IN COUNTY'S PROGRESS

Dedication today of the new and renovated Anderson Memorial Hospital is a proud moment in the history of Anderson County.

It marks the culmination of a massive cooperative $5,500,000 effort on the part of individuals, both as private contributors and as citizens and taxpayers; the U.S. Government, Anderson County government, and the Anderson County Hospital Association.

History of Anderson Hospital dates back to May 1904, when a group of interested women met at the home of Mrs. Jennie Gilmer and discussed the need of a hospital for Anderson.

The Anderson County Hospital Association was formed 2 years later, and in April 1908—that was 55 years ago—the first patient was admitted to the new 25-bed hospital.

In intervening years various additions were made, including a school of nursing, and after World War II the memorial wing was added, but it soon became apparent that the swift growth of Anderson and this area soon would make the hospital facilities totally inadequate.

By 1957 the need had become acute. It was apparent any expansion program designed to come within striking distance of adequate space for new beds and additional facilities and equipment would cost at least $4 million. For a time the problem appeared insurmountable.

It was at this point that the full impact and benefits of the Federal Hill-Burton Act became apparent to Anderson County citizens.

Under the Hill-Burton Act—adopted by a Democratic Congress over bitter opposition of many Republican "conservatives"—the Federal Government allocated to the States funds for hospital construction and improvement on a matching basis. Allocation of

money in South Carolina is a responsibility of the State board of health.

The State board of health notified Anderson County and Hospital Association that $2 million had been tagged for a $4 million Anderson Hospital building program if the $2 million could be matched by April 1958.

A proposal that Anderson County issue $2 million in bonds was placed before the people in March 1958, and was approved by a vote of almost 5 to 1.

Thus the availability of the Federal Hill-Burton assistance actually sparked and made possible the building program which has provided Anderson County with hospital facilities equal to those available in metropolitan centers of the Nation.

To achieve this size and status required more than the original $4 million would cover. This difference was met by an additional $450,000 approved by Anderson County and $350,000 raised by the hospital association in a campaign for donations from individuals, businesses and industries.

And this is not all.

Architects are preparing plans for a $1 million school of nursing. This new structure, due for completion by September 1964, will be 5 stories high and capable of housing 152 students. Classroom space will accommodate 200 or more, thus permitting attendance by day students. It is anticipated that about 100 nurses will be graduated annually.

Funds for the school of nursing, to be affiliated with Clemson College, were provided by $500,000 from the Federal Hill-Burton fund matched by $300,000 appropriated by Anderson County and $200,000 raised by the hospital association. Senator J. B. Lawson and the House delegation are to be commended for giving quick approval to the Anderson County appropriation.

Hospital Administrator George B. Little deserves credit for hard work and diligent forward-looking planning he has done in connection with the expansion program.

The Federal Hill-Burton Act has proven of vital importance. Total cost of the new and expanded hospital and the School of Nursing Building comes to $6,500,000. Of this, the Federal Government has provided through the Hill-Burton Act a total of about $3,200,000—or half the cost.

All who possibly can are invited to attend the dedication ceremonies today, and to inspect the hospital's expanded and improved facilities during the open house period from 2 to 4 p.m.

This dedication marks a real and lasting milestone in the progress and growth of Anderson County and is a proud and prayerful day for all responsible for our greater Anderson Memorial Hospital.

TROTTERS SHOALS NOT DEAD

Mr. JOHNSTON. Mr. President, I wish to bring to the attention of the Senate a splendid editorial appearing in the Anderson Daily Mail of Anderson, S.C., entitled "Trotters Shoals Not Dead." This editorial pinpoints with logic and restraint the situation concerning Trotters Shoals Dam on the Savannah River. I ask that this editorial be printed in the RECORD together with my remarks.

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

TROTTERS SHOALS NOT DEAD

Gov. Donald S. Russell has determined that on the basis of information now available he cannot recommend construction of the Trotters Shoals Dam, on Savannah River.

His decision was arrived at on information gleaned at public hearings, in private investigation, and finally on a study made by Dr. Thomas F. Jones, president of the University of South Carolina, and a well-known engineer.

Governor Russell's integrity in dealing with Trotters Shoals, or any other public issue cannot be questioned.

Many supporters of the project will, without doubt, differ with the Governor's conclusions. But it must also be recognized that few individuals, no matter how competent or conscientious they may be, will place the same evaluation on a given set of facts, and will come up with identical conclusions.

Georgia Gov. Carl Sanders, for instance, with approximately the same basic information, decided in favor of Trotters Shoals development just as Governor Russell decided against it. Yet both Governors are able and honorable men.

As the Trotters Shoals situation now stands, two facts seem obvious.

In the first place, the Governor's recommendation, important as it may be, does not, in itself, alter the basic situation nor final determination of the project, which is in the hands of Congress.

The second is that some of the factors entering into the Governor's adverse recommendation may, within a year or so, prove to be erroneous or unfounded and could, in the course of time, change his point of view.

Governor Russell apparently accepted as facts the early construction of a large paper plant in the Trotters Shoals area, and the erection of a mammoth steam plant at Middleton Shoals by Duke Power Co.

Neither project is nailed down. Neither the Meade Paper Co., nor Duke Power Co., has made a final commitment, and there is, at the moment at least, no definite assurance that either will become a reality.

The Governor himself, in his statement, pointed out there are no "compelling or clear engineering reasons for favoring one side or the other in the Trotters Shoals issue."

Other issues sociological, economic, and political, which he cited, are far less stable, and are inclined to shift with changed political and economic winds. They could change in this instance.

Those who believe in Trotters Shoals and the development of natural resources for the benefit of residents of their areas will not consider Trotters Shoals a closed book.

Events in the next few years could easily shift so as to make many of the factors entering into the Governor's decision less compelling than they seem today, and so as to bring the proposed development into a far more favorable light.

If that should happen, the Governor, we are sure, would be among the first to change his position.

CURRENT PROBLEMS IN THE SECURITIES FIELD

Mr. WILLIAMS of New Jersey. Mr. President, on May 20 Commissioner Manual F. Cohen, of the Securities and Exchange Commission, delivered an address before a meeting of the Bar Association of the city of New York. Commissioner Cohen chose as his topic "Current Problems in the Securities Field." He discussed the course of the SEC special study and summarized the legislative proposals which the SEC will submit to Congress in the near future.

In his remarks Commissioner Cohen observed that—

The initiative which led to the Commission's special study of the securities markets is a high tribute to the wisdom and foresight of the congressional committees which have jurisdiction over the activities of the Commission.

Speaking for my colleagues on the Banking and Currency Committee, I would like to thank "Manny" for his kind remarks.

Mr. President, this speech of Commissioner Cohen should carry considerable public interest and I therefore ask unanimous consent that it be printed at this point in the RECORD.

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

CURRENT PROBLEMS IN THE SECURITIES FIELD

(By Manuel F. Cohen, Commissioner, Securities and Exchange Commission, May 20, 1963)

A little over 4 years ago, I discussed with you the background, rationale and proposed amendments to rule 133 under the Securities Act—the so-called no-sale rule. The evolution of that rule, originally adopted to deal with a problem which had its roots in the financial troubles of the early thirties and later amended to cope with an abuse born of the more prosperous fifties, marks but one chapter in the continual reevaluation and, when necessary, modification by the Securities and Exchange Commission of its rules, regulations and practices to achieve statutory objectives in the varying contexts of growing and ever-changing securities markets. Many of you here tonight will recall that the Commission made a number of proposals in an attempt to find a reasonable solution to a recognized problem. With your assistance, though not unanimous agreement, we did find a formula which, I venture to say, has been working well.

You are also familiar, I am sure, with other attempts by the Commission, generally successful, to grapple with and to overcome problems that needed solution. Rules 154, 155, 10b–6, 7 and 8 are but a few of these examples. None of them, I should hasten to add, would have been nearly as successful without your good will and constructive criticism.

In my view, rulemaking, and similar efforts through the decisional process, by which standards are enunciated, general statutory directives are implemented, and guidance furnished to those affected by the Federal securities laws represent an important, if not the most important, responsibility of the Commission. Indeed they represent, apart from enforcement, the reason for the very existence of the regulatory agency. Theoretically at least, a body of experts able to devote attention exclusively to the regulated area should be able to define, in the first instance, the complex, the technical and seemingly undefinable and then constantly to refine these definitions to reflect new experience and changed conditions. No one has as yet devised a better way to provide that informed flexibility in regulation so necessary to avoid economic stagnation and delusive and oppressive proscriptions

In the securities field this job has not been entrusted to the Government alone. While there are other examples of industry-oriented and managed self-regulatory schemes, it is probably no overstatement to note that in no other industry does there exist as sophisticated and as fully developed a system of cooperative regulation as that enjoyed by those engaged in various phases of the securities business. The stock exchanges and the NASD have developed extensive regulatory requirements, proscriptions and standards. This is not to suggest that there is unnecessary duplication of effort and expense among these organizations and governmental authorities. On the contrary, accepting for the moment that there may be some overlapping jurisdiction, in the main these organizations complement each other as well as State and Federal authority and keep small what might otherwise be-

come a much larger governmental bureaucracy. Conceding the existence of some unresolved problems, the point I wish to make is that the principle of industry participation in the regulation of the securities industry has been firmly established and that industry organizations share with the Commission the responsibility to develop standards of fair dealing and to refine them in the light of experience and changing conditions.

The explosive growth of virtually every segment of the industry in recent years, however, seriously affected our efforts in this all important field. The tremendous growth, on the one hand, has accentuated the need for the development of new rules and reappraisal of old ones, and, on the other, increased greatly the burdens of administration and enforcement for the Commission and the industry regulatory agencies. Geometric increases in the workload you and your clients produced for the Commission deflected attention from necessary policy development. More important, it became very clear that the comprehensive examination of developing practices in the industry and of the adequacy of the regulatory structure demanded by pressing problems and incompletely recognized abuses could not be achieved by a staff concerned with other exacting responsibilities.

During the late 1950's the Commission began to explore available means of keeping pace with the expansion and changes in the industry. In 1958 we commissioned the Wharton School of the University of Pennsylvania to conduct a study of the size and structure of the mutual fund industry which had by then emerged as a significant factor in the securities markets. The completed study was published in August 1962, and we are currently making, through a special staff in our Division of Corporate Regulation, a thorough examination of that study, as well as additional inquiries into certain aspects of the industry not covered by the Wharton School, to determine what changes, if any, are necessary in the existing regulatory pattern under the Investment Company Act.

More perplexing within the framework of existing personnel and budgetary limitations was the larger problem of reevaluation of the changes wrought in an industry which had enjoyed rapid growth and segments of which were showing dangerous signs of a breakdown of standards in certain practices. The persistence of boiler-room operations despite vigorous enforcement efforts, the lack of effective controls over the hot-issue phenomena, and the failure of self-regulation on the American Stock Exchange served to heighten our concern and increase our frustration. Fortunately, the answer came from the Congress which, on September 5, 1961, directed the Commission to make a comprehensive investigation into the adequacy of existing regulatory controls in the securities markets and to report its findings and recommendations to the Congress. The initiative which led to the Commission's Special Study of the Securities Markets is a high tribute to the wisdom and foresight of the congressional committees which have jurisdiction over the activities of the Commission.

The intensive efforts thus made possible are now reaching fruition. The first segment of the report of the special study, as all of you probably know, was transmitted to the Congress on April 3, 1963. Many of you may have made futile attempts to obtain copies for your own use, and I must apologize for the unfortunate delay in the availability of printed copies for public distribution. Hopefully, the balance of the report, some or all of which should be completed by June 1, will find its way to the printing presses with somewhat greater speed.

When you do have an opportunity to read the complete report, you will find that it represents a responsible and painstaking effort to examine carefully changes in the industry and the need for adjustments and improvements in the mechanisms of the securities markets to ease the strain and mitigate the excesses which have developed particularly in the past decade. More important, it reflects a recognition that the securities industry is made up of many different institutions designed to meet the varying needs of small and large issuers, and persons of great and relatively small resources; that the problems found are complex and interrelated; that solutions are not always clear and rarely subject to simple treatment. While the report as a whole will point to many areas of abuse and other problems that require urgent attention, the portions I have seen thus far certainly do not call for any basic reconstruction of the industry or of the securities laws. The experience of over 25 years of Federal securities regulation and the much longer period of industry development undoubtedly is an important reason for these conclusions. It should be emphasized, however, that the entire report will suggest what Milton H. Cohen, the director of the study, has described as a major program of reform consisting of over 100 separate recommendations. Some of you may have heard him say 10 days ago that "the reform is needed no less because we suggest applying a scalpel in 100 separate places rather than a meat ax in 3 or 4."

It is probably too much to expect agreement with all the findings and conclusions of the study. To quote Milton Cohen again, however, it undoubtedly will provide a "springboard" for action. The report merits careful examination and should result in serious dialog between the industry and the Commission. I think it fair to predict that most of you will agree its recommendations call for vigorous implementation by the Congress, the Commission, self-regulatory agencies and by others interested in the welfare of the industry, along the lines suggested by the study or by effective alternative routes.

For our part, the program of implementation is already underway. While the balance of the report is nearing completion, the Commission has determined to transmit to the Congress a number of legislative proposals based largely on the first segment of the report. We are now considering the details of these proposals and have been able to discuss preliminary drafts with a representative securities industry advisory committee. We have also solicited and received the views of various members of other industry groups and of the association of the bar of the city of New York and the American Bar Association. Despite the pressures of a very tight time schedule, industry and the bar have been unstinting in their cooperation and effort for which we are most grateful. Areas of agreement have been reached and potential areas of disagreement eliminated. In other respects, we have benefited from helpful criticisms and comments on the proposed legislation. We have also received suggestions which can, perhaps, be considered more effectively after we have dealt with the proposals now under consideration.

Current legislative proposals reflect a reaffirmation of our conviction, shared by the special study, that the disclosure principle coupled with somewhat broader enforcement authority, should remain the primary tools for insuring fair and honest securities markets for the protection of investors. Our legislative aims now are limited to implementing certain of the study's recommendations to close anomalous gaps in the present regulatory scheme or to carry out that design in a more flexible fashion.

While we have been discussing with industry a number of proposals, the Commission has not as yet reached final decisions as to the precise provisions of the program it will shortly submit to the Congress. I am, therefore, not in a position tonight to give you the details of the proposals. However, the Commission has indicated that it agrees in principle with the legislative recommendations made in the study report and that it intends to submit legislative proposals to implement them. I shall, therefore, discuss the recommendations as they have been advanced by the special study.

Only one proposal relates to the Securities Act. It would extend the requirement for delivery of prospectuses by dealers following a public offering—reduced from 1 year to 40 days in 1954—to 90 days in the case of new issues and empower the Commission to shorten the 40- or 90-day period for all issues. The proposals with respect to the Exchange Act include antifraud provisions designed to reach fraudulent dissemination of corporate publicity; a mandatory requirement of membership in a self-regulatory agency for all registered broker-dealers; authorization for national securities associations to adopt qualification and financial standards for admission to membership, authority in the Commission to deal directly, and more flexibly than the present statute permits, with individuals associated with registered broker-dealers and to impose intermediate sanctions against a broker-dealer firm in lieu of revocation. In addition, an important gap would be closed by enactment of legislation to deal more effectively with the collection and publication of securities quotations.

Implementation of these legislative recommendations of the special study would provide a more effective Federal regulatory structure. In my view, however, the most fundamental recommendation concerns legislation which would extend to over-the-counter issuers the reporting, proxy and insider trading provisions of sections 13, 14, and 16 of the Exchange Act, now applicable only to issuers with securities listed on a national securities exchange and to a limited number of other companies. I would like to deal more fully with this aspect of the legislative proposals now under consideration to which I shall refer as Frear-Fulbright legislation because of the early sponsorship of such legislation by Senator FULBRIGHT and my colleague J. Allen Frear, Jr., when he was a Member of that august body.

As some of you may know, the disparity between investor protections in the two markets was not intended by the Congress which enacted the Exchange Act even though volume in the over-the-counter market then was far less significant than now. Although the mysteries surrounding trading in over-the-counter securities in 1934 made the Congress hesitant to impose, by statutory fiat, the requirements applicable to listed securities, the Exchange Act originally made it unlawful for brokers or dealers to create a market in unlisted securities in contravention of such rules as the Commission might provide to insure investor protection comparable to that provided in the exchange markets. This provision was deleted at the request of the Commission in 1936, when Congress adopted section 15(d)—which requires an undertaking to file reports by many companies offering securities registered under the Securities Act—because it was found impracticable to enforce obligations for issuers by curtailment of the activities of broker-dealers which would serve only to deprive shareholders of adequate markets for their securities.

Section 15(d), however, was never considered the ultimate answer to the obligations of publicly held companies whose securities are traded over the counter, as the Commission pointed out in a report published at that time. Many of you are familiar with, and several of you have had a hand in, the various proposals and the intensive but futile efforts since that time to extend the disclosure and other basic protections of

the Exchange Act to over-the-counter securities.

The importance of this difference between the over-the-counter and the exchange markets has been greatly magnified by the dramatic growth of the over-the-counter markets. The special study found that the number of different stocks appearing in the pink sheets of the National Quotation Bureau on January 15, 1963, for example, amounted to 8,200, as compared to 3,700 stocks on the same day in 1939. Trading volume in the over-the-counter market grew from an estimated $4.9 billion in 1949 to $38.9 billion in 1961, a gain of almost eight times. Adequate investor protections in a market which can generate such widespread trading interest is obviously a matter of great public importance. A comprehensive analysis of the mechanics and the mechanisms of the over-the-counter market will appear in chapter VII of the special study report and a detailed discussion of its findings and recommendations should await another time and forum. But concern with investor and public interest in the over-the-counter market must start with a revaluation of the obligations of the issuers whose securities find their sole marketplace there. The first segment of the report already published contains a comprehensive discussion of this facet of the over-the-counter markets.

Since previous reports of the Commission and reports of the Senate Banking and Currency Committee demonstrated beyond reasonable question the need to extend to over-the-counter issuers the disclosure provisions and other safeguards applicable to listed securities, it was determined at the outset that the special study should, in the main, direct its efforts to the areas of unresolved controversies and uncertainties and to develop new data and appropriate guideposts for consideration of these problems in the context of the expanded securities markets. Before discussing the findings and conclusions of the special study, it is important to note that the lack of adequate information concerning securities traded in the over-the-counter markets is inextricably related to the various abuses documented in the first segment of the report. Irresponsible selling tactics, uninformed investment advice, extravagant financial public relations and erratic after markets apparently thrive best where lack of information is most marked. In a real sense chapters II, III, and IV which deal with abuses found in these areas provide a strong argument, without more, for legislation of the Frear-Fulbright kind. But the study was not content to rest its recommendations on these narrow grounds alone.

A survey by the study of 771 of the over-the-counter issuers listed in the January 1962 Monthly Summary published by the National Quotation Bureau confirmed the findings of previous Commission studies that the financial reporting and proxy solicitation practices of a significant percentage of companies whose securities are traded in the over-the-counter market are seriously inadequate. The disturbing results of the latest survey are detailed in chapter IX of the report. I do not intend to dwell on them or to belabor further the need for Frear-Fulbright legislation. On this point most of you agree in principle. It is in the details of this legislation that we find areas of potential disagreement which require further examination and discussion. Three of these problems, the determination of appropriate coverage criteria, the exemption of banks and insurance companies, and the impact of section 16(b) have always been the important storm centers of controversy. At the risk of boring those of you who have been able to read chapter IX, I would like to address myself in more detail to the study's findings and recommendations on these questions.

It may be argued that, in principle, the reporting, proxy and insider trading provisions of the Exchange Act should extend to all over-the-counter issuers in which public investors have an interest. Such a pervasive pattern of regulation might however, create a burden on issuers and upon the Commission unwarranted by the number of investors protected and other relevant considerations in the public interest. The question of where to draw the line has been one of considerable uncertainty in previous legislative proposals. To establish better guideposts, the special study conducted a survey of the characteristics of over 1,600 over-the-counter issuers who furnished adequate data in response to a questionnaire sent to every fifth issuer, excluding exchange listed companies and foreign issuers appearing in the January 1962 Monthly Summary of the National Quotation Bureau. A correlation was sought between number of shareholders versus size and concentration of security ownership of these issuers and trading interest in their securities, as measured by number of transfers and broker-dealer quotations in the Monthly Summary.

Based on findings from the numerous tests and analyses made, and in the light of overall policy considerations as well as the burden on issuers and on the Commission, the special study recommended that coverage should extend, in a phased program, to virtually all over-the-counter issuers having 300 or more equity security holders of record and known beneficial holders. It found that an asset test has no relevance to the number of public shareholders, the extent of trading interest, or the value of outstanding securities. Indeed, it is suggested that the need for protection may vary in inverse proportion to the amount of available assets. At any rate it is pointed out that, unless the asset test is very small, it would exclude from coverage of the statute a significant number of actively traded issues. The study estimated that at a level of 300 or more shareholders the proposed legislation would reach 6,910 companies, 1,438 of which are now subject to reporting requirements under section 15(d). This would include almost all the actively traded over-the-counter companies and only a small percentage of relatively inactive ones.

The Commission is currently studying a variety of possible criteria of public interest and their relevance to various types of issuers on the basis of the information developed by the study, materials gathered from other sources, the comments of various members of the industry committee and others. It is evident, however, that whatever test or combination of tests is finally proposed by the Commission, the requirements of sections 13, 14 and 16 should be administered discriminately and flexibly.

It would be unnecessary, for example, to require that mining corporations with no current material revenues or expenditures comply with the full panoply of accounting requirements established for large and complex business organizations. Nevertheless, the hundreds and sometimes the thousands of public shareholders of such a corporation, or those interested in purchasing its outstanding securities, would receive significant protection if they could learn of its dormant status, the factors bearing on a possible resurgence of activity and events reflecting subsequent material changes in that status. Undoubtedly there would be a wider range of companies so far as activity, financial resources, and public interest are concerned among over-the-counter issuers than generally exists in respect of companies whose securities are registered for trading on stock exchanges. The Commission would necessarily undertake to develop a range of requirements to fit the special needs of such companies and to take into account any special burdens imposed by the legislation. To this end, the Commission should be provided with ample authority to classify and to exempt issuers, persons, and transactions.

The special study recommended against providing exemptions for banks on the ground that existing State and Federal bank regulations, albeit effective as a tool for safeguarding the interests of depositors, does not, as has been urged, provide equivalent protections for investors. The securities of the 13,445 banks in the United States form an important part of the over-the-counter market. Bank stocks accounted for an estimated 20 percent of the issues listed in the January 1962 Monthly Summary of the National Quotation Bureau. Since bank stocks tend to be more closely held than other over-the-counter securities, a 300 shareholder standard would reach only about 1,000 of the more actively traded bank stocks.

All but approximately 500 banks are subject to the authority of one of the three Federal bank regulatory agencies. The others are regulated only by the various States. It is important to reemphasize that the regulatory controls imposed by these agencies historically have not been designed to provide information essential to investment decision by security holders. Recently, the Comptroller of the Currency, who has jurisdiction over the 4,520 national banks, took a number of steps toward furnishing protections for shareholders. Although far short of Commission requirements, and without benefit of statutory guides, regulations of the Comptroller now require that ownership reports be filed when a change in control occurs and that banks with more than $25 million in deposits send annual financial reports, including income statements, to shareholders and provide "adequate" information if proxies are solicited. Except for these limited requirements of the Comptroller, bank regulation provides no controls over proxy solicitation or insider trading and is not concerned, to any significant degree, with public disclosure of financial or other material information. Statements of income are generally not required, and reports of earnings and dividends are deemed to be confidential information. I should point out that although the Commission, in its letter transmitting the first segment of the study report, urged that the legislative proposals should apply to banks, it did suggest that administration might well be granted to an appropriate Federal banking authority.

The report also points out that existing regulation of insurance companies does not provide an adequate substitute for investor-oriented securities legislation. Securities of insurance companies comprise about 5 percent of the over-the-counter market. It is an industry that has grown rapidly in recent years. The Commission has previously had occasion to express its concern over the pressing enforcement problems created by the fraudulent promotions of a large number of newly organized insurance companies. Regulation of insurance companies, which rests almost exclusively in the hands of the various States, is directed toward the protection of policyholders and has been described by the Supreme Court as "less and less meaningful" to investors. Concerned mainly with such matters as solvency, adequacy of reserves and legality of investments, the reports required to be filed with State authorities, while voluminous, are extremely complicated and designed to disclose matters primarily of interest to the regulatory authority.

Finally, it should be pointed out that the special study's separate examination of the financial reporting and proxy solicitation practices of banks and insurance companies produced a picture of deficiencies generally similar to, and in some aspects worse than, that revealed by the survey of other over-the-counter issuers.

Perhaps the most perplexing of the problems connected with Frear-Fulbright legislation, and one that has caused much concern in the financial community, is the impact of section 16(b) on the market-making functions and the sponsorship activities of broker-dealers. This problem arises, of course, only in the situation where the broker-dealer who is making a market in a security is an insider of the issuer, usually a member of its board of directors. Despite a wide divergence of industry views on the desirability of such affiliation, the Commission's decision in the Cady, Roberts case and the New York Stock Exchange's warnings as to the potential conflicts of interest involved, the special study found that in early 1961 a little less than 10 percent of the registered broker-dealers held directorships and made markets for the securities of approximately 13 percent of all over-the-counter issuers whose securities evoked some trading interest at that time.

In the opinion of the study the application of section 16(b) to over-the-counter securities would have little effect on the market for such issues and that the concern of the industry as to the impact of section 16(b) was unwarranted. The study recommended against statutory exemption from section 16(b) for transactions of market-makers but urged that the Commission have authority to exempt, on an ad hoc basis, the rare situation in which it is shown that a continued affiliation between the issuer and a broker-dealer and market-making by that same broker-dealer are both necessary.

These conclusions have evoked widespread disagreement among those who have been meeting with the Commission to discuss the details of the legislative proposals. The Commission is presently considering these objections to determine what, if any, exemption from 16(b) should be provided for marketmakers. Whatever the recommendation of the Commission, this is a problem which will require continued study to achieve a satisfactory reconciliation of the policies of section 16(b) and the function served by the activities of marketmakers in the over-the-counter market. I should also note, parenthetically, that the proposed drafts of legislation circulated to the industry did not incorporate the special study recommendation that the Commission seek statutory reversal of the holding of the Supreme Court in *Blau* v. *Lehman*. In that case, recovery of the trading profits realized by a broker-dealer firm from short-swing transactions, in the security of an issuer of which a member of the firm was a director, was limited to the partner-director's share in the absence of evidence showing that he was deputized by the firm to represent its interests on the board.

The special study has made a number of other recommendations for legislative changes which are closely related to the extension of sections 13, 14, and 16 to over-the-counter securities. These include retention of section 15(d) until the phasing in process of initial registration is completed, repeal of the provisions for extension of unlisted trading privileges contained in section 12(f)(3) and a strengthening of the proxy rules with respect to both listed and unlisted securities. We have been giving active, indeed, daily consideration to all these and a multitude of related matters at the Commission table. None of our responsibilities is more important, for the application of the reporting, proxy, and insider trading provisions of the Exchange Act will provide the underpinnings for effective investor protection in the over-the-counter market. I should also mention the Commission intends to consider with the Federal Reserve Board proposals for the imposition of margin and related provisions of the Exchange Act to some categories of over-the-counter securities.

The extension of adequate disclosure obligations to issuers of securities traded in the over-the-counter market is important in light of the obligation of the financial community to observe the standards of fair dealing imposed under the anti-fraud provisions of the securities laws. Most of you are probably aware of the Commission's view "that the making of representations to prospective purchasers without a reasonable basis, couched in terms of either opinion or fact and designed to induce purchases, is contrary to the basic obligation of fair dealing." Unfortunately, we do not have time tonight to explore the background of and rationale for this application of the "shingle theory," a concept first enunciated by the Commission in the 1930s. It has aroused great interest among the members of the securities bar and some suggestion that the Commission is seeking to impose unprecedented and perhaps unwarranted responsibilities on members of the financial community. In my view, however, this application of the "shingle theory" merely reflects the widespread recognition within the securities industry that it is good business to "know your merchandise." Put simply, the "shingle theory" serves to prevent the unscrupulous from exploiting the confidence of the investing public built upon the integrity and competence of responsible elements of the industry.

It seems clear that the vitality of the over-the-counter market and the fulfillment of the obligations of all those who deal with the public will be affected by the availability of reliable and current information concerning the securities traded. Moreover, the extension of these requirements to issuers of over-the-counter securities is in the interest not only of investors and the financial community but also of corporate management which has a legitimate concern in the maintenance of informed and orderly markets for the securities of their companies.

Finally, those of you who constitute the securities bar, share with us a responsibility in advancing these proposals. Many of you represent issuers, as well as broker-dealers, whose interest may be affected by the proposed legislation. You will be asked to advise whether it merits sympathetic consideration. The public interest demands your support for the basic legislation as well as the benefit of your counsel as to proper implementation.

Neither industry nor the bar can afford to refuse the challenge and the opportunity to strengthen the capital markets which occupy such an important and strategic position in our economy.

THE PHYSICIAN'S RESPONSIBILITY TO THE COMMUNITY

Mr. KUCHEL. Mr. President, throughout America there are tens of thousands of dedicated practitioners of medicine. They work night and day, most often quietly and silently, to preserve and enhance the well-being and vitality of our people.

One of the most distinguished physicians of our land is a resident of my own State. Dr. Russell V. Lee is not only an able practitioner of the art of healing, but also a capable administrator of medical services, and a philosopher concerned with the capability of his profession in meeting the health needs of our society and, indeed, of mankind.

As the founder and guiding spirit of the Palo Alto Medical Clinic and the Palo Alto Medical Research Foundation in California, he has long been actively concerned with providing the highest quality of medical care within the spirit of the free enterprise system. He has been especially interested in the more effective utilization of doctors and those in related health fields. His ideas are provocative. They are worthy of the careful consideration of all—public official, doctor, and citizen alike—who are concerned with matters of good health.

Mr. President, I ask unanimous consent that the address by Dr. Russel V. Lee, entitled "The Physician's Responsibility to the Community Viewed by the Practicing Physician," be printed at this point in the RECORD.

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

THE PHYSICIAN'S RESPONSIBILITY TO THE COMMUNITY VIEWED BY THE PRACTICING PHYSICIAN

(By Russel V. Lee, M.D.)

After salvation, and I suspect for many before salvation, the boon most desired by sane men is health. Health is that state which by providing freedom from pain, disability, and premature death makes possible the fullest expression of the physical, emotional and mental functions of mankind. It is of prime importance to the strength of any nation. All should contribute to this desirable state, but the physician can and should contribute more than any other to the attainment and maintenance of health for all men. This, in essence, is his responsibility to the community.

He has done much in the past to discharge this responsibility, particularly in view of the limitations imposed by lack of knowledge. Instances of wholehearted devotion to the general welfare at great personal sacrifice are many in the annals of the medical profession. But sadly, and paradoxically, as his competence has increased his zeal, seems to have diminished. Preoccupation with political and with economic considerations seems to have replaced dedication to the good of all.

The present situation is a challange to us all, because now, for the first time in the long agonized history of the human race, the means exist, if we but have the wit to use them, to bring a medical utopia to mankind. And the chances of attaining this happy state are better in the United States than anywhere in the world. What is meant by a medical utopia? It means a situation wherein the active and planned promotion of health is an accepted policy of government, in which all methods for the prevention of disease are fully utilized; wherein there are enough physicians and paramedical personnel, properly trained, to give the sick all the care they need; wherein adequate facilities exist to make this care possible; and above all a state in which all these benefits are accessible to all the people. The physician, more than any other man, can bring this about. This truly is our responsibility. Let us examine, point by point, the ways in which we can discharge this responsibility.

In a complete health program to which the physician should contribute, there are seven elements. These are: (1) Promotion of health; (2) prevention of disease; (3) diagnosis and treatment of disease; (4) rehabilitation of the ill and disabled; (5) medical and health education; (6) research; and (7) organization of health services.

I. PROMOTION OF HEALTH

There is much justification for the claim that the remarkable progress in health in the past century is due as much to the tremendous improvement in our conditions of living—housing, nutrition, education, etc.—as to the dramatic medical discoveries. It is certain that a trend for the better in

many disease entities long preceded these great medical advances and can only be ascribed to improvement in our standard of living and our sophistication. All citizens and all officials share in responsibility for those measures which promote health. This is not always the case. There is widespread lack of comprehension among physicians themselves of even the meaning and the implication of the term "promotion of health." Understandably, there is a tendency to claim credit for medical advances as being due to advances in the art of medicine when they are due to improved conditions of living. And unfortunately, due largely to bad leadership, the physicians have been frequently jockeyed into a position of opposing measures designed to improve the general welfare, and hence the health of the people, on the grounds that these measures are socialistic. The social security system which has contributed immensely to the peace of mind and the standards of living of older people has not had the support of organized medicine. Quite the opposite. It does not even let its own members vote on their personal acceptance. Organized medicine is not conspicuous in other vital aspects of the promotion of health—cigarette smoking, alcoholism, air pollution, urban crowding, dietary deficiencies, eradication of venereal disease are areas in which we should play an active part in the promotion of health. And in the most important of all—the prevention of atomic war on which the health and even the survival of us all depend—we find more doctors conspicuously vocal supporters of the rightwing war whoopers and Birchers than in the ranks of the followers of the Prince of Peace. The promotion of health, to be sure, is everyone's business but the physician should be in the van and not in the rear.

II. PREVENTION OF DISEASE

The prevention of disease is the most creditable achievement of the human race in the past 200 years. One by one the great plagues which devastated and terrified mankind have been vanquished. It is a noble and exciting story. No one dissents from the aphorism that it is far better never to have acquired the disease than to be cured if the catastrophe occurs. While in terms of relief of human misery we get a hundred times as much return from each dollar spent in public health as we do from each dollar spent in diagnosis and treatment, we still spend a hundred times as much on medical services as we do on preventive medicine. We, the physicians, must bear great responsibility in this field. We have made the practice of medicine so attractive and so lucrative that only dedicated men go into public health. There are thousands of unfilled places in the preventive medical field. It is quite accepted that the primary responsibility for preventive measures is vested in government (why are not water and food and drug control socialized medicine?), but it is the responsibility of the physician to give such measures full support. Physicians in general have done this even to their personal disadvantage. There is a heartening change in their attitude toward widespread immunization campaigns instituted by public health agencies. A few years ago there was pretty violent opposition to such procedures on the part of physicians. The K.O. Polio is an example of just the opposite—cordial and intelligent cooperation. But we as doctors should upgrade the field of public health and insist that physicians in this field be as well paid as we are. The U.S. Public Health Service loses many of its good, well-trained young men to higher paid positions.

We have a more direct responsibility in the field of personal preventive medicine—hygiene, immunization, dietary controls, etc. The pediatricians have done nobly in this field and have wiped out most of the epidemic diseases of childhood. In fact, most of our vaunted improvement in health statistics is due to the success of their efforts. And as a reward the pediatrician is the most poorly paid of all specialists. The rest of us, on an individual and on an organized basis, have failed to meet this responsibility in many, many ways. At all levels preventive medicine needs much more personal and financial support from the practicing physician.

III. DIAGNOSIS AND TREATMENT OF DISEASE

This is the chief responsibility of the practicing physician. Furthermore, I affirm—and this may surprise some who have made judgments about me—that the Government should largely get out of this field and leave it almost exclusively to the private physician. There are some services, such as to the military, that must still be rendered by governmental agencies and personnel. But while the Government should and must see that such services can be made available and can be paid for, it should get out of the business of rendering the services directly. Yes, this means the Veterans' Administration medical services, the care of the mentally ill, and the care of the indigent. The financial means should be provided by Government and the services by private physicians, particularly by groups of private individuals.

The acceptance of this principle—that the rendering of services be left to the private physician while their financing is guaranteed by Government—imposes great responsibility upon the physician in the community. The responsibility is to insure that the services are of high quality and that honesty and integrity prevail in the rendering of the bill. Chiseling—dirty word—chiseling has been widespread in systems laudably planned and launched wherein padding of accounts and rendering of unnecessary services are possible. Human nature and physicians' human nature being what they are, such systems must be designed in which there is a built-in deterrent to abuse. Such systems, fought, alas, by organized medicine, are the closed panel, capitation prepaid plans. The acceptance by physicians of systems under which they guarantee to provide all needed medical services to the beneficiaries on a capitation basis can obviate abuse. This is the true way to avoid Federal medical care.

Medical services—diagnosis and treatment—are now worth having and the demand for them has increased enormously. It is the responsibility of the physician to meet this demand, not only quantitatively but with high quality services. We should accept what the rest of society accepts—the concept that access to medical services of high quality at a price he can pay is the right of every man in our modern society. Let us accept the responsibility of providing the services; let the individual, the employer, and the Government cooperate in providing payment for these services.

In the light of the shortage of physicians and in the presence of the great demand, it is the responsibility of the practicing physician to so organize the delivery of medical services as to make the most of our limited supplies of personnel and facilities. Group practice is one such organizational device that makes possible the best utilization of physicians and the best assurance of quality care by insuring that those who do the special procedures are especially qualified for the task. Hospital staffs as presently organized can be utilized to carry out group practice procedures when by prepayment plan intrastaff economic rivalry is eliminated.

In general the quality of the diagnostic and therapeutic care in this country is high—for those who have access to it. It is the physician's responsibility, one of the most direct and urgent of his responsibilities, to see to it that the quality of this care is of the highest possible order. More self-examination and more self-discipline, as well as more self-education, are called for. And while we concern ourselves with the quality of the care we furnish, we must also concern ourselves with its accessibility to all men.

But fundamentally, if we are to escape governmental medicine, we must accept responsibility for four things: (1) To see that enough services exist to satisfy the need; (2) to see that such services are accessible to those who need them; (3) to see that all classes receive services of the same high quality; and (4) to see that the means for payment for these services are in the reach of all.

IV. REHABILITATION

We have the responsibility to recognize that rehabilitation is a necessary sequel to almost all illness and disability and in many cases is the primary need. While recognizing that by the very nature of the problem—long-term treatment of those who have no income—government and private philanthropy must carry the financial burden, the practicing physician has the responsibility of assisting in the staffing of the various institutions, of recognizing the need in his own practice of recruiting and training workers in this field, and of giving financial support when this is needed.

The modern concept of rehabilitation is not understood and accepted by enough physicians. They should become aware of the fact that practically every patient who has been through a serious illness or accident needs some rehabilitation, and for many illnesses (such as strokes) it is almost the whole of therapy. The enormous number of those afflicted by mental illness need rehabilitation desperately and as of now are almost totally neglected by physicians. This, too, is part of our responsibility.

V. MEDICAL AND HEALTH EDUCATION

In the Hippocratic Oath is this pledge: "To consider dear to me as my parents him who taught me this art, to live in common with him and if necessary to share my goods with him; to look upon his children as my own brothers, to teach them this art if they so desire without fee or written promise; to impart to my sons and the sons of the master who taught me and the disciples who have enrolled themselves and have agreed to the rules of the profession, but to these alone, the precepts and the instruction." We have done well and we have done badly in discharging the responsibility for training future physicians. Well—in regard to the quality of the training. The Flexner Report (headed by a layman) put the diploma mills out of business and the quality of medical education is good. Badly—insofar as numbers are concerned, and badly in the paramedical fields in which there are great shortages. The record of organized medicine is not altogether inspiring. For many years certain farsighted people like Dr. Lowell Reed, lately President of Johns Hopkins, have been pleading for increased production of medical personnel and for governmental aid to medical education. They have had scant help from the American Medical Association. When I was on the President's Commission for the Health Needs of the Nation, I urged a great increase in the numbers of physicians. I was blistered in an all-day hearing before the National Health Council and told in an authoritarian way by the big brass in the AMA, "There is no shortage." Today 17 percent of the doctors starting practice in America are trained in foreign medical schools. It is shameful that this country, the richest in the world, parasitizes other countries for doctors. We should export thousands. The present proposals of the Government are farsighted and vitally necessary. They should have AMA support not sabotage.

The hypocrisy of the attitude of the AMA lobby in regard to aid to medical education

should be brought to the attention of all physicians. Hardly a physician who has graduated in the past 30 years but has had most of the costs of his education paid for by the state or by philanthropy. In the face of the demonstrated shortage of applicants of high ability, in the face of the overwhelming evidence that financial considerations play the most important part in this shortage, the opposition of the AMA to the scholarship proposals for students and subsidies of the schools is simply complete nonsense. It is the responsibility of the physician to correct this deplorable attitude.

In the education of the public in health matters we have also a great responsibility and an important one. The best assurance any individual has of the attainment of health comes primarily from being well informed. The more sophisticated in medical matters will know how to get good health care. A greatly increased program of public education in health matters is greatly needed. And not the Whitaker and Baxter curriculum either. That silly, sentimental picture of the old frock-coated doctor at the child's bedside is a sample of health education at its worst. The radio, TV and public and private instruction by physicians should all be used. Such programs as the one in Birmingham, doctors news conference here, etc., are good examples of what can be done. Health education in the best sense is a responsibility of the physician in the community.

VI. RESEARCH

Research has made us what we are today. We, as physicians, profit the most by the work of the research man in the laboratory. Almost all I do today has been taught me by the research workers who as a class have received far, far less than I have of the world's goods. Our responsibility to support research in every possible way is very great indeed for it is based on common gratitude for favors received, on proper regard for the welfare of mankind, in the broadest humanitarian considerations and on expectations for our future. Money—yes—support the government and private agencies. People—much more so—let us attract more and more people into research; let us follow the example of our fathers and do research ourselves; let us keep on the lookout for bright young people and put them into this field.

We should not overlook the obligation and responsibility to do research ourselves. Most of the great early discoveries were made by the practicing physician, such as the circulation of the blood, aseptic surgery, anesthesia, etc., and there is still great though all too often latent research genius in the active physician. Such institutions as the Palo Alto Medical Research Foundation, a facility at the disposal of the physicians in this area, should exist in every city and town of over 25,000 people. Let us have more "do it yourself" research. It is also a responsibility, and in the present avalanche of publications, a very difficult one, to keep ourselves informed about the research going on. Much more adult education among physicians is needed.

Our responsibility in the research field is fourfold: (1) To encourage private and Government support of medical research; (2) to help provide trained personnel capable of going into research; (3) to keep ourselves and the public informed as to the progress being made; and (4) to do it ourselves.

VII. ORGANIZATION

The American genius for organization, so well demonstrated in industry, transportation, communication, and war, is conspicuously lacking in the field of health. The intense individualism of the physician and, indeed, the intensely personal nature of the practice of medicine mitigate against formal organized practice. But the immense complexity of modern medicine, the serious shortages of personnel, the increasing demands and the unmet needs require efficient organization if potential health benefits are to be achieved. It is time to take a more receptive attitude toward innovations in the methods of delivery of health services. The acceptance of the disciplines and restrictions of hospital staff practice indicate that the objective of a more rational health service organization can be achieved.

Group practice is one such innovation which, properly developed, can do much to improve the delivery of health services. The possibility of each man following his own specialty without economic penalty surely tends to higher quality of care. The delegation of all nonprofessional activity, such as business, taxes, etc. to others, leaves the physician free to see more patients and do more real medical work and helps the shortage problem. The utilization of paramedical personnel and the welding together of these with the doctor into a health team is a device that saves personnel. And the suitability of the group for comprehensive prepaid arrangements directly with its patients is not possible for the solo practitioner and is, after all, the best solution of the economic problem of payment for medical services. Hospital staffs if they are willing to cooperate can do many, indeed, almost all of these things. The organization of community health councils to which physicians and interested laymen belong, and which concern themselves with the health problems of the area, is another responsibility of the physician. Properly guided, these councils can solve many of the community problems and are fine buffers against State medicine. Most communities would welcome such health councils.

The organization of a regional approach to health problems can come out of such cooperation between physicians and health councils. Prepaid plans, on a regional basis, can follow and they would be far better than the "Blues" with their incentive to overutilization, and private insurance (for some strange reason the pet of organized medicine) which takes such a large bite from the premium.

In this company and before this audience, it requires considerable temerity to suggest that the reorganization of the American Medical Association is also a responsibility of the physician. But the facts are that this 100-year-old society, great and powerful as it is, has come far short of fulfilling its responsibility to the physicians and the people of this country. It is first in money spent in lobbying before the Congress of the United States; it is unequaled among professional and labor organizations in the control it exercises over its members (dissents are ridiculously few) but it seldom is on the side of the angels in fights for the betterment of conditions of living. A long list of good measures which it has opposed could be prepared. One thinks of the Alexander Brothers' song, "I heerd the crash on the highway but I never heerd nobody pray." It is certain that many physicians do not subscribe to the policies laid down in the board. But as the organization is presently set up they are never heard. In the councils of the AMA one seldom if ever sees a great medical educator; medical researchers are very rare; even eminent practitioners are poorly represented. The preponderance of representatives from small country towns on the board of trustees reminds one of the Georgia county court system. This is an urgent job of reorganization and a responsibility of the physician.

We have had the opportunity to see the medicine of Russia, the British Health Service, the semi-insurance plans of Scandanavia. We can do better—far better—than any of these. We can do this in the framework and under the unexcelled opportunities of free enterprise. There is no reason why we cannot evolve a system of medical services far better than any in the world today. This we must do or assuredly we will have state medicine thrust upon us as it has been on most of the world today.

SUMMARY

The profession of medicine is the most rewarding of any field of human activity. It imposes great responsibility to go with its great opportunities. Here in the United States we have the opportunity as no people ever had before to bring about something like a medical utopia. Let us look beyond our own selfish interests and particularly let us look beyond our sordid economic aspirations. The rewards of the physician are not expressed by yachts and expensive golf clubs. They are expressed in the hearts of men and in the heart of mankind. To know that some are happily alive that but for me might have been dead, to know that there is less pain and suffering, less anxiety and fear because of things I have done are rewards enough. We will meet our responsibilities only when we bring to all who need them all the benefits our predecessors and our brilliant research men have given us. It is no light responsibility.

THE SHELDON MEMORIAL ART GALLERY

Mr. HRUSKA. Mr. President, the campus of the University of Nebraska in Lincoln is graced with a building which has been described as the "best designed, most beautiful small museum in America today."

It is the Sheldon Gallery, a gift to the university through the estates of the late Miss Frances Sheldon of Lincoln and her brother, A. Bromley Sheldon, of Lexington, Nebr. They were the children of the late George Sheldon, a Lincoln businessman and civic leader.

This lovely structure, designed by Philip Johnson, of New York, was dedicated last week and on the first weekend it was open to the public was viewed by 4,300 persons.

Principal speaker at the dedication was Mr. Frank Stanton, president of the Columbia Broadcasting System, and also a Nebraskan, whose direct, lucid remarks struck a note of accord with the crisp, clean lines of the gallery's unique design.

Mr. President, we Nebraskans count ourselves unusually fortunate to receive this legacy from the Sheldons. It is a welcome and appreciated addition to the campus of a first-rate, growing university.

I ask unanimous consent that there be printed in the RECORD the remarks of Mr. Stanton, together with an article from the Lincoln Sunday Journal and Star which describes this striking structure.

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

DEDICATION OF SHELDON MEMORIAL ART GALLERY

(Remarks by Frank Stanton, president, Columbia Broadcasting System, Inc., University of Nebraska, May 16, 1963)

It is most generous of you to invite me to share with you this significant event today. Such a forward step as the opening of a new museum by an imaginative and venturesome university is highly satisfying to everyone concerned with the enrichment of

American life. And the launching of a new structure designed by an imaginative and gifted architect is always an occasion of importance. When the two are brought together—the imaginative institution and the imaginative architect—there is ample justification for holding the highest hopes of a noteworthy achievement. It comes as no surprise to me that, in the case of this museum, those hopes have been fully realized.

Already, the Sheldon Memorial Art Gallery has been pronounced, on respectable authority, the "best designed, most beautiful, small museum in America today," and Philip Johnson is well on his way to becoming the master of the 20th century museum as Christopher Wren was of the 17th century church. The fact that this gallery is completely wired for television leads me to add the hope that other architects will see fit to emulate the way in which Mr. Johnson quietly blends genius with eminent good sense.

There are also both at least a touch of genius and eminent good sense in the building up of the Hall Collection and the subsequent acquisitions over the years. I say a touch of genius, but I am not sure that the great collector does not rate, in some cases, even higher tribute. Collectors, whether individual or institutional, are in a sense the entrepreneurs of art, bringing talent and audience together. The insight, the taste, the qualities of recognition and judgment that your collection here represents seem to me of a very high and an uncommon order. And it is in far more than a ceremonial, perfunctory sense that I want to salute the memory of Mr. and Mrs. Hall and those who have been guiding the collection since the university began to add to it 35 years ago. It is an achievement in which any university—any institution—should take exceptional pride.

Both the inherent architectural distinction of this building and the impressive and important collection that it houses give this day a very special interest and excitement that go far beyond the University of Nebraska in the worlds of architecture and the other fine arts. But it is an occasion, I think, of even greater and wider significance.

In the first place, all of us, all over the United States, have been disturbingly aware, for two decades now, of the enormously disparate pace at which facilities for the advancement of the physical sciences and those for the advancement of the humanities have grown. There have, of course, been pressing reasons for this. We had, as a nation and as the leader of the free world, material chores of a vast and most intricate nature thrust upon us by the events of the Second World War and by the rise of the cold war conflict and the immense scientific achievements and aspirations of our adversary. We had also, in more peaceful areas, to take up the great slack that is always left by long preoccupation with war—including the adaptation and development, for peacetime uses, of the scientific advances achieved under the impetus of war. No one can deny that a great flow of good from all this has filtered through to benefit the daily lives of all of us.

But it has been easy for us to be lured into putting too great a proportion of our resources into the sciences and too little into the humanities. The opening of a new physics or chemistry or biology laboratory has been an everyday occurrence on hundreds of campuses since the war. The opening of a university art museum is, by comparison, an extraordinary event. The supply of scientific equipment of the most sophisticated sort has been lavish in contrast to the trickle of provisions made for teaching the humanities.

Even our wealthiest universities are beginning to take stock of themselves, with surprise and concern, on this score. The dimensions of the problem are only hinted at by the fact that Federal commitments for basic research alone in American universities totaled, in 1963, $625 million, of which 98 percent went to the physical, biological, and agricultural sciences, 2 percent to the social sciences, and nothing to the humanities.

Today this museum is an eloquent reminder that man does not live by science alone—that there is little advance if we better the physical conditions of our environment at the price of neglecting all those things that give life its richness and its point, its depth and its meaning. And if we have a great deal of catching up to do in this respect in all the humanities, it seems to me that we have a special problem in the fine arts.

The reason for this is that up until very recently we have lived in almost a completely verbal society. We have had printing from movable type for 500 years, but we have had photography and the photographic printing processes for little more than a century. Journalism up until a very few years ago dealt almost entirely in words, with some exceptions usually directed at sensationalism. Pictorial history is a whole new field, despite some respected antecedents in the military area. Pictorial archives are just beginning to be seriously undertaken as necessary repositories, for the future of material casting light on the past. The wireless, and then radio—the first great communications inventions since the printing press—necessarily dealt only in words.

In man's wordy total cultural history, museums themselves are latter day innovations. Universities date from the 12th century, but they had antecedents in classical times. The great library at Alexandria was established in the third century B.C., and the Emperor Hadrian's Rome of the second century A.D. had 29 public libraries. But it was not until 1739 that the first collection of art was permanently opened to the public at the Vatican. There was no museum of fine arts in England until 1759, none in France until after the Revolution, none in the United States until 1791. And though we had our first college in America in the 1630's and our first library in the 1620's, we did not have our first college museum of art until over 150 years later.

Today there are some 1,400 senior colleges and universities in the United States. They all have libraries. Only 1 in 14 has an art collection and a place to show it. One of Phi Beta Kappa's criteria for accrediting colleges is the number of books in their libraries. No one that I know of accredits a college of liberal arts on the number of paintings that it has or on whether it has any at all. The educational process has for centuries been word oriented, with even the fine arts taught by book and lecture.

We lived in a verbal society, and most people went through life not only with little exposure to the visual arts but with little awareness of them. "In the beginning was the word," and the word was the end, too.

The 20th century is beginning to change all this. In mass communications, fine reproduction techniques and new printing processes have made pictorial communications fast and excellent. Color can now be reproduced with exceptional fidelity. Electronic communications, once wholly verbal except for transmission of wire photos to newspapers, are now visual. Reporting, interpreting, and documenting painting and painters, sculpture and sculptors, architecture and architects are now being done repeatedly on television. As a result of the broad awareness of the arts created by the mass media, there is today an unprecedented popular appetite to see and to appreciate. For the first time on any scale the fine arts exist for people who have never been in a museum. What is more important is that the mass media are leading them to museums in increasing numbers. At the Metropolitan Museum in New York, for example, attendance has increased 200 percent since 1950, now reaching some 4 million visits a year.

Museums are also proliferating—although not fast enough in the places that most need them. Nevertheless, the trend is here, and although the number of college and university museums is still pitifully few, nearly two-thirds of them have been started since 1948—in the past 15 years. This trend, if it continues, should be greatly satisfying to all of us in education and communications.

We in the mass media can introduce people to works of art. We can present profiles of great artists. We can report events and trends. We can stimulate interest and generate curiosity. On looking at the record, I find that during the past year the CBS Television Network has presented programs on Thomas Hart Benton; Edgar Tafel; the head of Christ as envisioned by great painters; Salvador Dali; the Director of the National Gallery, John Walker; Edward Steichen; the recreation of the Armory Show of 1913; paintings of the Corsican artist, Lucien Marett, publicly shown on CBS for the first time in the United States; a history of ecclesiastical architecture, suggested by the new Coventry cathedral; Leonardo da Vinci. Several other programs treated art subjects less extensively.

By their very nature the mass media can do only part of the job. The museum has to take up where we leave off. The museum has to go farther and go deeper and its essential role is quite different. You cannot really "report" art. You cannot really "reproduce" it. A work of art, primarily, has being rather than meaning, and you must be in its presence to know it, for that is the only way that you can know the artist. We recall from Picasso's famous comments of 1935, "It is not what the artist does that counts, but what he is," and Mark Rothko, "A painting is not a picture of an experience; it is an experience."

Because this is so—and fundamentally so, without susceptibility of change in spite of scientific progress in communications—it seems to me that a university museum has a very special privilege as well as a very special responsibility.

The great advantage of the university museum is the irretrievable opportunity of serving the young, before the patterns of observation and experience are structured, while there is still a kind and a degree of openness that are crowded out in later life. The regional museum serving a general public does not have the luxury of this emphasis. Your distinguished sister institution in Omaha, with its remarkably broad collections, the Joslyn, must serve many purposes and many age levels. The Sheldon Gallery, on the other hand, can enter into the continuing educational experience of young people day after day and year after year. Here they can live in a world of new dimensions—color and form.

No one here needs to be reminded that this has too often and too long been a failure of our educational environments in the past. We all know that the profoundest things of life are not to be formally learned and not to be formally taught. They must be experienced. And so it is with a great painting, a great drawing, a great piece of sculpture. It is to be experienced—and life will never be quite the same again.

The very presence of this gallery and of the superior collection in it is the first thing, the essential thing, the great thing, for the thousands of students who come to this university each year. They are going to have a matchless opportunity to come to know the first-rate paintings, drawings and sculpture that make up your permanent collection.

The broad function of the university museum, however, and also its unique opportu-

nity, go quite beyond this. You have the function of enlightening the student on the whole, varied past and present of art and the opportunity to do it at a time when it can be related to his total development as an educated man. The very fact that a university gallery's resources are not endless can be a help rather than a hindrance in performing that function and realizing that opportunity. I think that the general excellence of your collection already proves this. In time, I suspect, you will be increasing not only the number of works in the collection but their range as well. Ideally, a university collection should include representative works from the whole spectrum of the arts. But I do not believe it either practicable or desirable that it do so in the same copious way that the all-purpose museums of major cities do.

All university museums' financial resources are always less than their needs. Prudence and ingenuity in stretching them will always be a necessary discipline—necessary and probably constructive, because, for economic reasons if no other, the university museum can avoid the temptation to become saturated with the works of one artist or one period or one school in the wake of the contagion of high-riding nationwide enthusiasms. Equally important, it can seek the objective of a collection finely representative of the art spectrum by one or two distinguished examples in each category rather than amassing them by the roomful.

Much of the function of the university museum can also be achieved by a lively policy of circulating exhibits. It is most reassuring to note that the Sheldon Gallery has provided separate and pliable space for these. This seems to me of the highest importance to a university museum. It is important, primarily, for the purpose of enlarging the experience of the student in the fine arts. Many of them are in the university for 4 years, some for many more. In that time, they should be exposed to a variety of visual experiences. Most of them cannot go to distant museums to see other collections, and they ought not to have to postpone such experiences until they can go in later life. Having become possessed of their sense of sight here and now, they should be able to develop it over as broad range of art as their time and your facilities will permit.

Traveling loan exhibits are important also for a fuller participation by students in the dialog among truly educated men and women that exposure to the arts evokes. I am not willing to put too much store in critical talk, as compared to the experience and discovery of looking at the art itself, but I think that there will always be something of provocative interest in what a Malraux or a Berenson has to say. It is in the nature of man to consider the evolution and the past of the arts as of everything else he has experienced, to bear witness to the excellence or the lack of it in what he has seen, and to construct theories and hypotheses about it. To do this intelligently requires exposure to more than a single segment of the world's art—however important it might be.

This need, I am sure you will agree, is one with which no acquisition program is ever going to be able to keep pace—nor should it try. But an active, imaginative loan program and circulating exhibition policy can go a long way in meeting it.

I have had some familiarity with the circulating exhibitions of the Museum of Modern Art in New York. A grant of $150,000 was made by the CBS Foundation in 1960 to the museum in order to pack and ship selected works, over a period of 4 years, to an increasing number of institutions all over the United States and Canada. Fifty-six of these traveling exhibitions have had 413 showings in 156 cities in 44 States. A very high proportion of them have gone to university and college museums. You may recall one, "Orozco: Studies for the Murals at Dartmouth College," here at the University of Nebraska last July. They have drawn heavy attendances and a great deal of attention by television, radio and newspapers. Eighty-six radio stations and ninety-eight television stations have broadcast special programs based on the exhibits. Undoubtedly many visitors were drawn to the exhibits by these programs. In addition, the broadcasts deepened the interest of those who saw the exhibits and broadened their participation in the continuing dialog.

And so we come back again to the great truth of the voices of silence—as Malraux has so memorably called the world of art—the experience of seeing. But you are members here of a great university as well as administrators or friends of one of the most rewarding and delightful of museums. You are therefore concerned with teaching and with knowledge.

I have not meant to separate these from exposure to the experience of art. They are inseparable, when we are speaking of the fine arts. The purpose of knowledge is to make distinctions, not only as to the good and bad, but as to scope, intensity, relevance—and a score of other things that will occur as readily to you as to me. But in art there are no absolutes, nothing that can be taught as a geometrical proposition or a chemical formula or a chronology of history or a rule of grammar can be. And so the gallery is as necessary to the teacher of the arts as the laboratory is to the teacher of the physical sciences or the library to the teacher of literature.

But let none of us—whether from the physical sciences, the social sciences, or the ancient disciplines—consider that we are dealing, in the world of art, with something precious, something far removed from a world of overwhelming realities that may swamp us at any moment. I am concerned with both worlds—as you are—and, like you, I am not so sure that they are separate worlds. We could not do better, because this is a day for the restatement of purpose, than to recall a thoughtful and perceptive passage from a venerable observer of the relationship of art to life—Berenson in "Aesthetics and History":

"Art is not actual life, it is true, but it is ideated life and perhaps as important. What distinguishes us from the other higher mammalia is precisely the capacity for this ideated life. This capacity leads higher and higher, and the longed-for goal is far away. But the goal of totalitarianism is not distant, and if it wins through it will shape man into a completely mechanized brute, guaranteed to remain a brute till he becomes a domestic animal.

"Every individual who feels the need of a human society must learn to understand his responsibility toward art almost as toward life. He must avoid encouraging the undesirable let alone the bestializing forms, not only of life but of art as well. This he can do only if he takes the trouble to educate himself for the ideated as he does for the actual world."

In closing, I congratulate the University of Nebraska's Faculty of Art on acquiring this most accommodating of galleries. I congratulate the administrators of the gallery on its high and promising mission. And I congratulate the university and the people of Nebraska on having had in their midst the men and women of vision and action who made this happy occasion possible.

[From the Lincoln Journal, May 12, 1963]

BLEND OF CLASSIC, CONTEMPORARY DESIGN DONE IN GLEAMING MARBLE

The University of Nebraska campus carillon sounded for the demolition of a familiar landmark, the administration building. The same carillon will ring at 11 a.m. Thursday to summon proud Nebraskans to the dedication of the gleaming new Sheldon Memorial Art Gallery which now occupies a nearby site at 12th and R.

With its roots firm in the past, and its hopes attuned to the future, the $3 million gallery symbolizes the essence of Nebraska pioneer spirit in realizing the dream of its donors. The late Miss Frances Sheldon, of Lincoln and her brother, A. Bromley Sheldon, of Lexington, made this gift of a museum in hopes it would strengthen Nebraska's position on the Nation's artistic frontier.

Of white travertine marble, the museum is a blend of classic and contemporary design by New York Architect Philip Johnson. The 100-by-150-foot facade is sculptured by tapered and curving piers standing 16 feet apart to reflect changing patterns of light and shade with the movement of the sun by day and floodlights by night. This drama of illusion and reality is defined in scale and beautiful in simplicity of detail.

"Build us a building that will be as much a work of art as the objects inside" was the expressed wish of the Sheldon donors.

This magnificent coup was planned and executed by Mrs. A. Bromley Sheldon, widow of the late Mr. Sheldon, with the help of Norman Geske, director of the university galleries, and Prof. Linus Burr Smith, chairman of the University of Nebraska Architecture Department.

Tenative plans were started in 1958 when Geske and Smith visited European art galleries to collect general technical ideas. Mrs. Sheldon toured Europe in 1961 with the Nebraska Art Association.

While in Italy, she and a group of association members visited the Italian quarries where the marble for the Sheldon Gallery was being hewn, carved, polished, and numbered to be shipped to this country and reassembled in Lincoln.

A citizen's committee including University Chancellor C. M. Hardin and members of the Nebraska Art Association chose Johnson from a list of top-ranking architects as the man to design the gallery.

Johnson, regarded as one of the outstanding designers of museums in this country today, was given carte blanche as to architectural theme and cost. The only stipulation was, "The best will be none too good."

Inside as well as out, the affinity between classic simplicity and enduring practicality applies to the Sheldon Gallery. Thirty-foot-tall glass arches on either side of the main hall afford views of the city and campus and filter sunlight on the three permanent sculptures which are the only effort to decorate the serene repose of this vast room.

MEMORIAL SCULPTURES

Flanking the stairway are the two memorial sculptures in honor of A. Bromley and Francis Sheldon; the 8-foot bronze "Bather," by Lipchitz, and "Song of the Bird," a composition in Norwegian granite and Greek marble by Noguchi. Beneath the stairway is the famous "Princess X," a 22-inch-high white marble figure by Brancusi, one of the leading sculptors of this century.

The Byzantine arched ceiling of the main hall is separated by recessed circular panels of goldleaf. Graceful, bronze-faced stairways bridge the west end of the great hall leading to the 10 viewing galleries. These rooms are without windows but are attuned to the mood of the viewer by special lighting which produces a gentle wash effect and places uniform light intensity upon the walls.

A world of privacy is created by the varying size of the individual galleries which are carpeted in charcoal with walls covered with plastic coated cotton pile, a biscuit colored loopy carpet material which absorbs sound and permits indefinite hangings of pictures without visible damage to the walls. Benches are spaced apart to provide an opportunity to study the collections.

For the ultimate in visitors' enjoyment, an electronic guide service will be provided soon. As the visitor walks through the exhibits he will carry a wandlike receiver which can tune in lectures on a transistorized radio system.

The 300-seat gold-and-black auditorium has the finest audio and visual equipment in the Midwest. The Art Association board room, which was specified in Mr. Sheldon's will, is paneled in teak and has $7,000 worth of custom-made furniture. This room is to be used for general conferences and social events. Besides office and storage space there is a small shop which will offer for sale original works by the artists.

IDEAL SETTING

The overall planning is as elaborate as the design is simple to provide an ideal setting for a million dollar art collection. Protective air-conditioning and dehumidifying systems, along with a closed circuit TV are located 2½ floors below ground level in the steel reinforced building.

Among the gallery's hidden assets is a burglar alarm system which, when the building is closed, fills every inch of space with sensitive sound waves which will notify the police if anything as small as a moth should move. This is our best insurance that there will be no recurrence of thefts in the future," said Keske.

The Sheldon Art Gallery, for all of its timeless splendor of structure, is not just a public exhibition building. There is no question that it will be one of the State's outstanding tourist attractions. But it also achieves what it was built to achieve—in a word, art.

THE GREATER MINNEAPOLIS INTERFAITH HOUSING PROJECT

Mr. HUMPHREY. Mr. President, some time ago I commented on the need for a fair-housing ordinance in the District of Columbia. I pointed out the fact that Washington is a badly segregated city in terms of existing residential housing patterns and accepted real estate practices. The lack of fair housing must be considered as a major contributor to the serious racial problems confronting the Nation's Capital City.

The District Commissioners have acknowledged they have the authority to issue such a fair-housing ordinance. Certain members of the House District Committee have challenged this authority and at present the situation remains unresolved. As I previously stated on the Senate floor, I believe the Commissioners do have this authority and I again urge them to exercise it.

But it would be a grave mistake to assume that merely the issuance of a District ordinance barring racial discrimination in the sale or rental of housing would constitute a solution to this grave social and economic evil. In fact, unless the Washington community were prepared to implement this ordnance in a responsible and intelligent fashion, extremely serious consequences could follow.

As former mayor of Minneapolis and now as Senator from Minnesota, I have watched with intense interest and concern the progress of the Greater Minneapolis interfaith fair-housing program. Recently a full report of the outstanding progress achieved by this program appeared in Social Action, the monthly publication of the Council for Christian Social Action of the United Church of Christ. I am proud to bring this story to the attention of my colleagues since it illustrates graphically the vital role that must be assumed by local citizens, churches, and private welfare agencies in any metropolitanwide effort to provide equal housing opportunities to all citizens. In fact, such communitywide involvement is an essential ingredient in any such effort.

In Minneapolis the local churches assumed the lead in bringing the problem of segregated housing directly to the attention of the citizens of the greater Minneapolis area.

I would like to note briefly some of the accomplishments of this communitywide effort to bring equal housing facilities to all Minneapolis residents, regardless of race. The program has enlisted the support of lay and clerical members of churches and synagogues and their social action groups in promoting the principles of fair housing. Both religious and secular institutions have been assisted in formulating fair-housing policies. Speakers for over 200 groups have been trained in the economic and sociological facts relating to fair housing. The fair-housing program has worked with Dr. Arnold Rose of the University of Minnesota in conducting a survey to determine the nature and dimensions of fair-housing problems in the Minneapolis community. Minority families have been assisted in finding housing in Morningside, Minnetonka, St. Louis Park, Wayzata, southeast Minneapolis, south central Minneapolis, Anoka, Fridley, Bloomington, and north Minneapolis. Stabilization programs followed the entry of the minority families.

Activities of other community human relations groups have been coordinated, including the provision of information about housing currently available on a nondiscriminatory basis. The program of the first fair-housing institute sponsored by the Greater Minneapolis council of churches' fair-housing committee was planned. A systematic follow-up program has been designed to initiate and sustain concrete fair-housing activities in each of the 90 churches participating in the fair-housing institute.

The program has disseminated widely the results of its experience and has helped to start church-related fair-housing programs in at least a dozen cities through consultation visits, correspondence and telephone consultations.

I believe these accomplishments constitute an impressive demonstration of how a community can make meaningful progress in attacking America's foremost social and moral problem, the equality of opportunity for people of all races.

In February I was honored to lend my name to a full-page advertisement which appeared in the Minneapolis Star and the Minneapolis Tribune, entitled, "Let's Open the Doors in Greater Minneapolis." Over 1,700 citizens signed this statement, including the junior Senator from Minnesota [Mr. MCCARTHY], and my good friend, the present mayor of Minneapolis, the Honorable Arthur Naftalin. Along with the solid achievements enumerated, this ad represented the determination of Minneapolis citizens to continue the fine work that has begun so constructively. Much remains to be done and Minneapolis is not waiting to get at it.

I would like to commend the many community leaders who have initiated and implemented the Greater Minneapolis interfaith fair-housing program, particularly Mr. James A. Tillman, Jr., the executive director. And as a member of the United Church of Christ, I am most pleased by the assistance its Council for Christian Social Action provided in this program. The Minneapolis experiment provides the entire Nation with a living demonstration of how the urgent challenge of fair and nondiscriminatory housing can be approached in a responsible and just fashion.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD two articles published in the May 1963 issue of Social Action. One is entitled, "To Open Doors," by Galen R. Weaver, secretary for racial and cultural relations, Council for Christian Social Action; the other, "The Quest for Fair Housing and Community-Wide Religious Involvement: A Case History," by James A. Tillman, Jr., who, as I have noted, is executive secretary of the Minneapolis program. Also, I ask unanimous consent to have printed in the RECORD an article entitled "Washington, D.C., Portrait of a Sick City," written by Fletcher Knebel and published in the magazine Look for June 4, 1963.

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

TO OPEN DOORS

(By Galen R. Weaver)

"I believe that every person has the moral right to rent, buy or build a home anywhere without restrictions which are based on race, religion or national origin. Therefore, I will welcome into my neighborhood any law-abiding and responsible person of whatever race, religion or national origin; and will work with him to build, to improve, and to maintain a community which is good for all."

In the Minneapolis Star and the Minneapolis Tribune of February 5 and 6, respectively, of this year, a full page ad appeared under the caption "Let's Open the Doors in Greater Minneapolis." The names and addresses of over 1,700 householders were listed as signers of the above statement. Leading the list were the senior and junior U.S. Senators from Minnesota, two Congressmen, the Governor, Lieutenant Governor, Attorney General, and the mayor of Minneapolis. The signers represented a cross-section of the total greater Minneapolis community.

This is one fruit of the greater Minneapolis interfaith fair housing program which was inaugurated by the Council for Christian Social Action in October 1959. The executive director of the program, Mr. James A. Tillman, Jr., has written a case study highlighting a particular aspect of the project. There are so many facets to this pilot demonstration that Mr. Tillman has written a book which will be published in order to present an adequate report of what has been learned in the three and a half years. A convincing evidence of its usefulness and further promise is the decision of the local board guiding the program to raise the total budget necessary to carry it forward for another 3 years. The council, in accordance with the original agreement, is terminating its financial participation as of April 30, 1963.

THE RATIONALE

What was the rationale that led the council to invest approximately $32,000 in a local project?

1. We believed it was imperative that organized religion, for the sake of its own integrity, should seek to close the wide gap between its pronouncements on the moral issues involved in race relations and its performance. Unless churches are willing and able to become involved in the struggle for justice and equal opportunity for all persons regardless of racial origin, their noble-sounding preachments will continue to be discounted or even regarded as hypocritical. Granted that the civil rights advances made in recent years have very frequently been achieved with considerable leadership from individuals who are members of churches and synagogues, it remains true that relatively few congregations have been effectively involved.

2. We believed that ways could be found to enlist "the church gathered" more directly in the struggle to remove the barriers to an open market in housing. The methods for doing this, we felt, could best be discovered by a partnership with a group of committed Christians and Jews in a given urban community.

3. We chose to concentrate the effort in the field of housing because we believed that segregated housing is the foundation of all other forms of segregation. This is because residential segregation leads to and sustains segregated religion, segregated education, segregated recreation, segregated friendship patterns and the segregationist personality. Therefore, to improve race relations the restricted market in housing must be supplanted by a free market.

A TREND SINCE THE TWENTIES

Segregated residential living became a trend in the 1920's. It has increased alarmingly decade by decade as white families have moved to the restricted suburbs and more and more nonwhites have moved into the crowded central cities. Racial and religious restrictive covenants were invented as a deliberate device to prevent free choice of houses and neighborhoods. Court enforcement of such covenants placed in deeds was finally outlawed by the U.S. Supreme Court in 1948. Mr. Reginald Johnson's article outlines some of the developments up to and including the President's Executive order of November 1962. That order will have limited but useful long-run effects even though it is much less comprehensive than many anticipated. There are also voluntary actions by citizens, motivated by their religious commitment to the rights of all the sons of God, that can help significantly in promoting rich human fellowship and mutual appreciation. Segregation now makes it difficult, even impossible, for most people to enjoy experiences that transcend the artificial barriers based on race or color. Segregation in all its manifestations, beginning with housing, also penalizes fellow human beings of the excluded groups. It creates political, economic, and social ghettos. It fosters intergroup antipathies and undermines the democratic way of life which we all cherish.

Since its inception in 1959 the greater Minneapolis interfaith fair housing project has made certain definite achievements. Some of these are reported by Mr. Tillman. The project has—

Enlisted the support of lay and clerical members of churches and synagogues and/or their social action groups in promoting the principles of fair housing.

Assisted both religious and secular institutions in formulating their fair housing policies.

Trained and provided speakers for over 200 groups wishing to learn about fair housing.

Worked with Dr. Arnold Rose, of the University of Minnesota, in conducting a survey to determine the nature and dimensions of fair housing problems in the community.

Placed or assisted in the entry of minority families in Morningside, Minnetonka, St. Louis Park, Wayzata, southeast Minneapolis, south-central Minneapolis, Anoka, Fridley, Bloomington, and north Minneapolis. Stabilization programs followed the entry of the minority families.

Assisted in coordinating activities of other human relations groups, including providing information about housing currently available on a nondiscriminatory basis.

Planned the program for the first fair housing institute sponsored by the Greater Minneapolis Council of Churches' Fair Housing Committee.

Developed a systematic followup program designed to initiate and sustain concrete fair housing activities in each of the 90 churches which participate in the fair housing institute.

Shared some of its findings with other American communities through published materials in human relations and intergroup relations journals. In addition to a series of manuals which have been used widely in Minneapolis and in other communities, the executive director of the program has published seven articles relating to the program's practical activities and findings.

Helped to start church-related fair housing programs in at least a dozen other cities through consultation visits, correspondence, and telephone consultations.

This is an impressive list of accomplishments. The Council for Christian Social Action is gratified to have been a partner in this significant experiment in relevant churchmanship in relation to our foremost domestic social and moral problem. The project has focused on what is perhaps the most urgent unfinished business of those who profess to follow the prophetic religion of the Bible. We commend to the readers of Social Action careful reading of the case study which Mr. Tillman has prepared for this issue. We look forward to the publication of a full report sometime in 1963. We hope that this experience will be suggestive to church and synagogue congregations and members elsewhere as they seek to bring about the open society in which all persons will have equal opportunities for growth and fellowship through freedom to choose their place of residence. As the program moves on under local auspices we will endeavor to learn further lessons that will be pertinent to what Mr. Tillman has called "The Quest for Religious Credibility and Relevance."

THE QUEST FOR FAIR HOUSING AND COMMUNITYWIDE RELIGIOUS INVOLVEMENT: A CASE HISTORY

(By James A. Tillman, Jr.)

There are always primary questions about the nature and function of organized religion implicit in the fundamental objectives of church-sponsored and church-related fair housing programs. The more basic questions may be stated this way:

1. Is it possible for organized religion, in spite of its priestly nature, to recapture the revolutionary prophetic spirit which characterized it during its early history?

2. Is it possible for organized religion to disentangle itself from the institutional complex of which it is a part sufficiently to speak to other institutions in prophetic terms?

3. Is it possible for the members of the priestly class to overcome the psychosocial disabilities and constrictions imposed upon them by their maturation in a culture in which basic collective practices are not only alien to but antagonistic to the original ethic of Judaeo-Christianity?

4. In a social system in which members of the priestly class as well as members of the population in general have viewed the priestly class as a necessary but isolated and nonfunctional part of the day-to-day operations of the community, is it possible for the clergy and laymen to impute to the priestly office a functional specificity, a specialization and a duty to speak and act in ways which do not reflect and often oppose current individual and collective thinking?

5. Can Catholicism, Judaism, and Protestantism find, at the local level, sufficient ecumenical and community grounds on which to mount a cooperative and concerted attack upon the sin of segregation?

LABORATORY SETTING REQUIRED

In Minneapolis, the interfaith fair housing program could not determine answers to these questions until there existed a laboratory situation in which to test these questions. While the program's work with individual churches and synagogues was necessary and was functionally effective in helping to catalyze changes in both the general community and the larger religious structure in the Minneapolis area, it must be admitted that a sound laboratory situation did not exist until involvement of organized religion in a general and collective way developed.

It is believed that the religious involvement which has developed since the organization of the program is both a sound research laboratory crucible and an influential fair housing action lever in the general community.

NEW INVOLVEMENT

Since the organization of the program, a new effort to open racially segregated housing areas of Minneapolis and its suburbs to Negroes and other minorities has been launched by local Protestant churches. The effort is designed to create favorable attitudes toward open occupancy housing.

The idea for the concerted Christian witness for housing integration came when Dr. Fredrik A. Schiotz, president of the American Lutheran Church, contacted national and State leaders of Lutheranism in Minneapolis. A breakfast meeting was arranged for about 100 Lutheran clergymen in November of 1960. Another meeting a week later included Lutheran lay leaders who filled Messiah Lutheran Church. The executive director of the interfaith fair housing program addressed both sessions, indicating the nature of the problem and outlining remedial steps which organized religion should take in helping to create a residentially open city.

Tuesday evening, January 10, 1961, a third meeting, sponsored by the Greater Minneapolis Council of Churches, brought out 270 persons, most of them non-Lutheran Protestants. Meeting at Salem English Lutheran Church, we discussed ways in which the effort could be expanded.

Between the second meeting, in late November 1960, and the third meeting, on January 10, 1961, a steering committee was organized. It was composed of representatives of the various member denominations of the Greater Minneapolis Council of Churches as well as the executive director of the Greater Minneapolis interfaith fair housing program. Dr. Schiotz was named chairman of the group which eventually named itself: The Fair Housing Committee of the Greater Minneapolis Council of Churches.

It was decided that congregations should first focus attention on the objective of fair housing by observing race relations weekend, February 10–12, as a "time of prayer for fair housing in Greater Minneapolis." February 12 was also declared official Fair Housing Day for the State by the Governor. Similar proclamations were issued by the mayors of Minneapolis and St. Paul for their respective jurisdictions.

During the observance of fair housing prayer weekend, February 10–12, at least 175 clergymen, including rabbis, preached sermons relating directly to fair housing. Some churches and synagogues explored the need

for fair housing in discussion groups in the churches and synagogues.

The Fair Housing Committee of the Greater Minneapolis Council of Churches continued to meet regularly after the 12th of February 1961. Because of the recognition that the community is an organic whole, the committee met with representatives of other segments of the community. The committee engaged in dialog with the press and members of the realty segments of the community.

During the summer prior to the First Protestant Fair Housing Institute, concerted efforts were made to identify fair housing leadership in the churches which are members of the Greater Minneapolis Council of Churches. Once this leadership was identified, serious and comprehensive plans for training and further developing this leadership were made. The first step involved a Fair Housing Institute which was planned by the executive director of the interfaith fair housing program and which was conducted over a period of 3 weeks during September and October of 1961 for the clerical and lay leadership of over 90 local churches. This institute was followed by a series of other activities designed to make it possible for these churches and the neighborhoods in which they are located to make full and effective use of this emerging leadership.

The committee and the interfaith fair housing program immediately following the institute laid plans for a series of other activities involving the local churches. During the year following the institute, a series of cottage meetings was held in local churches, synagogues, and in local neighborhoods to determine what could be done in each neighborhood in terms of both action and education. Insofar as possible, the leadership for these meetings involved local church people who had been trained at the institute.

The program gave central direction and guidance to the followup activities required in this context. Out of these endeavors are emerging people, at the neighborhood level, who are assuming continuing responsibility within the church for both education and action in the fair housing field. It is also believed that these developments augur well for the laboratory which the testing and the application of the program's commitment require over the next 3 years.

THE PROTESTANT FAIR HOUSING INSTITUTE

The outline of the institute was set forth in a news story which appeared in the Minneapolis Star on September 16, 1961. The story follows:

"CHURCHES WILL SPONSOR FAIR HOUSING INSTITUTE

"Minneapolis area churches will follow passage of a State fair housing law by preparing members to receive Negroes and other minority group members in their neighborhoods. A three-session fair housing institute will begin Tuesday night at Augsburg College under sponsorship of the Greater Minneapolis Council of Churches to train churchmen to spearhead the effort.

"Some 300 ministers and laymen from 90 congregations have indicated a willingness to lead discussion groups in homes and churches on minority housing and will attend the training institute. The institute was arranged by the church council's fair housing committee, headed by Dr. Fredrik A. Schiotz, president of the American Lutheran Church. Chairman of the Institute program is James A. Tillman, Jr., executive director of the Greater Minneapolis interfaith fair housing program.

"The Reverend David Preus, pastor of the University Lutheran Church of Hope, will be main speaker at the institute's sessions September 19 and September 26. Speaker October 3 will be Dr. Lowell Gess, minister of the Evangelical United Brethren Church and a medical missionary to Africa.

"Chairmen of the meetings will be the Reverend Ray Boehlke, minister of Oakland Avenue Evangelical United Brethren Church, and Joel Torstenson, professor at Augsburg College. Besides Dr. Schiotz, Mr. Boehlke and Mr. Torstenson, the sponsoring committee includes: Dr. A. W. Arthur of Bethlehem (Augustana) Lutheran Church; the Reverend Fred Wolff, of Our Savior's Lutheran Church; the Reverend J. Carlton Forshee, of Hennepin Avenue Methodist Church; the Rev. John T. Hughes, of Bethlehem Presbyterian Church; the Reverend Dewaine Kolbo, of Good Shepherd Lutheran Church, Spring Lake Park; the Rev. David E. Witheridge, of the Greater Minneapolis Council of Churches; Grant Walseth, of Victory Lutheran Church; Herbert Olson, of the Lutheran Church of the Reformation; Alan R. Anderson, of Plymouth Congregational; and Elwood Lindberg, of Bethlehem Covenant."

It should be noted that after each plenary session, the registrants were divided into small (10 to 15) groups for section meetings at which time they were further instructed in matters of content and procedure by specialists in human relations, ministers, and other competent personnel in both religion and the social science disciplines.

FOLLOWUP ACTIVITIES

The program's records showed that there were 90 churches represented at the institute. Among this group, there were some which had fair housing programs underway. The number of such churches was small, involving less than 20.

The problems immediately subsequent to the institute were those of: (1) Organizing an effective followup instrument and (2) having the followup committee members trained in both procedural and substantive matters. The interfaith fair housing program undertook these two tasks.

By December 15 of 1961, the followup committee members had been selected and trained and had selected churches with which they wished to work. The committee is composed of 15 active members. Its work is supplemented by members of the program's board. The followup activities are being actively carried forth by approximately 20 persons, including 5 of the program's board members.

To date, followup activities have been initiated in 60 of the 90 churches which participated in the institute. Each church, of course, represents a separate and distinct entity; programs are tailored to meet the unique conditions and peculiar needs of each church. The nature, extent and results of these programs cannot be assessed or evaluated at this time.

At the very least, however, it can be categorically stated that the institute and the followup activities have been responsible for initiating within many churches a dialog among members concerning the relevance of the Christian witness for the open society. Gradually, many of these churches are overcoming the timidity which had long served as their badges of distinction in this vital area of human endeavor.

It is our belief—and the author is a realistic optimist—that eventually the small committed groups within each church will be able to educate the congregations to the point where they (the churches) can speak to and counsel with other institutions effectively. When the interfaith program was organized, they could not do this; for, on the whole, these churches and other institutions occupied the same ground and reflected the same posture in the area of equality of opportunity.

Basically, these followup activities are designed to make it possible for the church-gathered as well as the church-dispersed to adopt a prophetic posture in the field of fair housing.

While inequality of opportunity and the inevitable inequities which it fosters should have been abolished yesterday, we are realistic enough to know that individual and collective habit patterns cannot be done away with in 1 day. The followup program, therefore, represents—at the very least—initial steps, which must be nurtured and sustained over the next few years if they are to develop congregational viability and congregational effectiveness in the exertion of influence upon other institutions.

As I see it, the followup program must be expanded and sustained by the interfaith fair housing program and the committee until each church develops a viable and self-sustaining program. Because we are a full-time program, we can, should, and will accept responsibility for day-to-day operations which are designed to translate impact programs of a larger symbolic nature into effective practical programs at the level of the local congregation. Volunteer groups can, where there is the will, do the same.

It seems to me that the Fair Housing Committee of the Council of Churches has developed three effective impact programs thus far: (1) the fair housing prayer time, (2) the race relations ad relating to the open fellowship, and (3) the fair housing ad.

As a sequel to the fair housing prayer weekend, February 10–12, 1961, it was decided that the churches of the Minneapolis Council of Churches should openly declare their commitment to the open fellowship. This was done in a full-page newspaper ad during Race Relations Week of 1962.

The interfaith fair housing program has viewed these as necessary and significant opening wedges. They created for us both the opportunity and responsibility for developing programs in churches whose doors had been shut, for all practical purposes, to social action endeavors relating to fair housing. I would strongly suggest that the committee ought to continue the development of impact programs.

RACE RELATIONS AD PROGRAM, FEBRUARY 11, 1962

From reports which came to the author, most observers thought the ad was both a sound and effective idea. Thematic in much of the comment was this notion: "Most of these churches can afford to embrace the open fellowship in this fashion, since they are located in areas where its practice is not really a meaningful option for them." At the subconscious and nonreflective levels, this statement simply reiterates the need for free mobility in housing because the open fellowship becomes a live option only when the housing pattern makes the open fellowship one of a series of possible behavior alternatives in a practical context.

FUTURE COMMITTEE ACTIVITIES

In view of these remarks concerning the location of many of the churches signing the open fellowship ad, the committee began at the author's suggestion, to undertake a program designed to have local churches publicly—via a newspaper ad—embrace fair housing as the only sound principle for both the church and the larger community. This culminated, of course, in the ad publication just prior to Race Relations Sunday in 1963.

Denominations, conferences, and synods have issued statements embracing fair housing, but such public endorsement by the local congregation is quite another matter and, because it is potentially much more effective, such attempts may meet with real resistance. The resistance, I believe, can be used for creative good. It seems to me that the church-gathered cannot speak to other institutions in effective and prophetic terms until it has said publicly as a local congregation that it embraces the open fellowship, the free society resting on open housing and

the concept of the equal dignity of all of God's children.

The fair housing declaration by churches in 1963 was done in very much the same fashion as was followed by their declaration for the open fellowship prior to Race Relations Sunday of 1962.

THE FOLLOWUP AND OTHER INSTITUTIONS

The program, in its work with the churches which participated in the institute, is seeking to help these churches adopt a posture which will enable them to speak to and influence other institutions at the neighborhood level. This can only be done by the church-gathered and by the church-dispersed; that is to say, the program seeks to develop programs, at the parish level, which will enable the church as a collectivity to influence housing practices at the neighborhood level and which will also motivate church members to exert their influence in behalf of fair housing in their individual lives and vocations. The assumption, of course, which undergirds the follow-up activities with these Protestant churches is this: the Christian witness, if it is to be effectual in today's world, must be systematically and deliberately sustained in both its individual and collective dimensions by organized efforts which are directed toward a specific societal goal.

The program, at this stage, is working to increase the influence of the first Protestant Fair Housing Institute in a centripetal way by using each church and/or neighborhood as the center of focus. This is based on the assumption that interested groups at this level can multiply concern for fair housing by involving and leading to commitment other groups at the grassroots level.

Somewhat extensive programs have been developed by and among regular groups in some churches.

A few listings of homes for sale or rent on a nondiscriminatory basis have been developed and utilized by the program's Placement Bureau as a direct consequence of these activities. This is the most fundamental and effective way in which education can be translated into action programs which can make changed community conduct possible within a short time span.

The program is assisting and guiding the members of the followup committee to develop materials and programs which will enable the committed groups in local churches to initiate and sustain meaningful dialog with relators, financiers and builders.

One of the ultimate goals of the institute followup program is the establishment of a local church posture which will enable the local church to engage in meaningful dialog with communicants who happen to be members of the realty, financing and homebuilding industries. No church has yet adopted the ultimate posture which was set as the goal. It is now my considered opinion that we must accept, as a matter of pragmatic necessity, a proximate goal at this time.

The object of the dialog which is now being initiated—prior to our reaching the ultimate goal—is, of course, to bring the influence of the church to bear upon the attitude of realtors, financiers and builders as the effective date of the Minnesota fair housing statute approaches.

Although such dialog may not, in fact, motivate these people to take the lead in helping make the new fair housing statute—within its inherent limitations—functional, it is felt that such dialog can help mitigate resistance and negativism which may further shackle and encumber legislation's potential as a remedial device in the area of fair housing.

STEPS UTILIZED BY INSTITUTE FOLLOWUP COMMITTEE

1. First, members selected three churches with which they wanted to work. Committee members chose the churches which, in their opinion, offered the greatest possibility of success.

2. They telephoned the registrants from each church, identified themselves, informed the registrants they were members of the followup committee, and that they had chosen to work with them and their church in developing followup activities designed to improve the fair housing climate of opinion.

3. Followup committee members suggested in their first telephone conversation that they and the registrants should perhaps get together to discuss the possibilities of developing followup programs in their churches. They then let the registrants suggest when and where * * * also told each registrant that "there are two other persons from your church who attended * * * perhaps all of us can meet together, etc., etc." (It was possible for some of them to meet all of their registrants at the same time.) The ministers of each church attended the first meeting.

4. At the initial meeting, each church delegation decided tentatively what could be done in the church which they represented.

5. After the initial meeting, the committee members found it necessary to work with each church on an individual basis.

Followup committee members relied heavily on the resources and experience of the interfaith fair housing program office for guidance. This office was in constant touch with each member by phone.

From time to time, the committee convened in order that members could share their experience with each other, thus increasing the sense of community and expanding the knowledge gained from practical experience.

WHAT INSTITUTE REGISTRANTS CAN DO

From the initial experience of the followup committee, it seems accurate to say that the followup committee members can train registrants to perform the following initial tasks in their own churches:

1. Become fully familiar with sound human relations principles and literature. This should be the very first step and could be carried out through discussions with the followup committee member, the minister, and, if required, professional human relations officials.

2. Get the official board of the church to adopt a resolution placing the local church congregation on record in support of both fair housing and the open fellowship.

3. Organize and set up in the congregation official social action committees or committees on social concern.

4. Arrange and promote discussion groups in homes and in the church. Also arrange to discuss fair housing with regularly constituted church groups, e.g., women's fellowships, men's clubs, etc.

5. Assist Sunday school superintendents in developing ongoing programs relating to the human relations implications of the Christian witness in contemporary society.

6. Get members of the congregation to sign the council of churches good neighbor pledge, thus making themselves available for positive assistance when minority families attempt to buy in their neighborhoods.

7. Have social action committees initiate and sustain dialog between the church on one hand and the realty, finance, and building industries on the other hand. This dialog should be designed to reassure and give support to those who wish to sell or develop housing, at the neighborhood level, on a nondiscriminatory basis. Successful pledge signing campaigns by churches will enhance the possibility of dialog success.

8. Seek out and list with appropriate agencies members who are willing to sell on a nondiscriminatory basis.

The institute and its followup activities are not exhaustive; they are simply illustrative. Institute registrants, ministers, and followup committee members can plan many other activities which would seem to be useful within local churches. The ultimate objective of all activities should be the development of a concern and support which will enable the local church to address itself to other institutions at the local level in such a way that the local church helps to initiate and sustain changed community conduct with respect to open housing.

CONCLUSIONS

Certain inescapable conclusions relating to the social processes and institutional structures involved in securing communitywide religious support emerge from the foregoing discussion.

To begin with, it is clear that such support cannot be achieved by sporadic efforts; communitywide religious involvement is the result of systematic and sustained goal-directed activities. Again, such efforts must rest upon the premise that religious support and involvement can initiate specific and perceptible changes in community conduct in a given time period.

Moreover, efforts to galvanize the religious structure in the community, must have two practical dimensions. Such efforts must be directed, in the first instance, to impact programs which have the capacity to highlight the seriousness of segregated housing for both the religious structure and the total community. It will be noted that the fair housing prayer weekend, the open fellowship, and the fair housing advertisements in the local press were all designed as impact activities. The second primary dimension of efforts to utilize religion in pursuit of fair housing on a communitywide basis involves the willingness of those concerned systematically to seek out committed leadership at the parish level so that such leadership can be further trained and generally reinforced. Such parish leaders must eventually head the leadership corps at the parish level. They must be given training in both content and procedural matters. This training will enable them often to act independently but effectively in conceptualizing and implementing fair housing programs at both the parish and neighborhood levels.

It is also clear that at least three different groups or institutional structures must work together in securing communitywide religious support: (1) An ad hoc fair housing group within the religious community (the initiating group), (2) an advisory and planning group (a human relations group), and (3) the regularly constituted Council of Churches (the umbrella and administrative support group).

The initiating group in the Minneapolis venture was the fair housing committee of the Council of Churches. This group was organized specially to seek communitywide religious support for fair housing. The advisory group was, of course, the interfaith housing program, which actually planned both the content and procedure of the Fair Housing Training Institute. The interfaith program also accepted full responsibility for the followup activities subsequent to the institute. This could be done in other cities by a committee from regularly functioning human relations groups. The umbrella and administrative support group consisted of the Council of Churches. This group, working with and through denominational executives, accepted major responsibility for contacting parish ministers who then assisted in locating committed leadership at the parish level. This leadership was further trained at the Fair Housing Institute so that its members could go back to the parish and take charge of fair housing programs as set forth in the section dealing with followup activities.

The ultimate objective of community-wide religious support is the goal of utilizing religion in initiating practical changes which will result in changed community conduct. This means that the ultimate operational goal must be the creation of programs which will accelerate and facilitate the entry of minority families into hitherto closed neighborhoods. This is the ultimate test which must be applied to determine the effectiveness of both education and social action in the fair housing field.

If fair housing efforts do not contribute, in a reasonable time, to the process of changing the composition of existing neighborhoods, organized religion has not been able to speak effectively and in a prophetic way to other institutions.

Organized religion can speak prophetically to this problem. The Minneapolis experience demonstrates how this can be done.

WASHINGTON, D.C.—PORTRAIT OF A SICK CITY

(By Fletcher Knebel)

Behind its domes, spires, monuments and broad, tree-bowered avenues, Washington, D.C., is a sick city. Only a few blocks from the great, scrubbed Federal buildings lies a savage urban jungle where life is cheap and human dignity is an alien term. Within a mile of the glittering White House state dinner, "latchkey" kids who know no family restraint roam the midnight streets, yoking [mugging], beating and gang-raping. The Nation's Capital probably boasts more civilized brainpower and more good intentions to the square mile than any city in the world, yet there are miles and miles of Washington streets on which no sensible woman dares to walk at night.

Just beyond the Capitol, where Senators and Congressmen vote $100 billion a year to obtain the good, secure life, begins an area where filth, crime, and poverty form a trinity of squalor.

The District of Columbia, proud symbol of the American dream since the days of John Adams, is a city in disgrace. In its public schools, discipline is a mocked word. The dropout rate, 39 percent, runs above the national average. Brawls, vandalism, and pillage abound. Police answer frequent school alarms. Teenage pregnancy is widespread. In many classes, homework is a vanishing art for lack of simple reading skill.

It is a city where crime stalks the streets and alleys and forces the doors of unwary apartment dwellers. Wives, daughters, and secretaries of prominent citizens, both military and civilian, are mugged, robbed, raped. Washington has more aggravated assault than any U.S. city in the 500,000-to-1,000,000 population bracket. Even churches have installed thug-proof iron bars to protect their female clerical workers from the danger of attack.

It is a city where responsibility is shredded. Congress refuses to let this Federal stepchild rule itself. It is a city where illiteracy increased slightly in the last decade, while declining in all the States. It is a city with scandals in its welfare program, bribery and corruption in its distribution of surplus foods, leniency in its courts and shock and alarm spreading among those of its respectable citizens who have not fled to the suburbs.

"This city is not far from an explosion," says Father Cletus Gillson, director of a Catholic mission in a high-crime district. "The disease is spreading fast. Children are living like animals. The schools are in a horrible mess."

Benjamin M. McKelway, editorial chairman of the Washington Evening Star, says: "The forgotten men and women of Washington are those innocent and law-abiding citizens who, through no fault of their own, are robbed, raped, beaten, or murdered in cold blood on the streets, in their homes—or even in church."

President Kennedy terms the District of Columbia's plight "a very bad situation," and his brother Robert, the Nation's chief law-enforcement officer, sees it as a real time bomb.

The Nation's Capital has come face to face with a disagreeable fact: Crime and school hooliganism spring overwhelmingly from the large Negro population. As whites migrated to the suburbs and Negroes took over its core, Washington became the only large city in the United States with a black majority. Here are the statistics:

In 1940, the city was 28 percent Negro. Today, it is 54 percent Negro. The racial shift in the public schools has been even greater. Predominantly white two decades ago, the District of Columbia public schools have become 83 percent Negro. During these two decades of drastic change in the city's racial complexion, per capita crime has increased 57 percent, according to an FBI tabulation. Negroes commit most of the crimes and are the most frequent victims of crime. The Metropolitan Police Department's annual report shows that last year 84 percent of those arrested for major crime were nonwhites; the victims in 85 percent of the cases of homicide, rape, and aggravated assault were also nonwhites.

Washington's crime rate, compared with that of other cities, is about average. Of the 15 largest U.S. cities, it ranks eighth in crimes per capita. Of the 16 cities in the 500,000-to-1 million population range, the Capital again ranks in the middle—eighth in major crimes per capita. But statistical talk of normality is no solace to residents who have seen their town change in a generation from a reasonably secure place to a city of fear.

The rest of the Nation may have other conversational obsessions, but Washingtonians today concentrate on crime. Betty Beale, veteran society columnist for the Evening Star, recently wrote that "bodily attack on women" had, for the first time in her career, become the chief source of talk at feminine social gatherings: A general's wife assaulted in her bathtub, the rape of a retired minister's wife, the granddaughter of a Washington official attacked in her home at noon. A chain drugstore recently featured prominent window displays of tear-gas pencils for women's self-protection.

Armed marauders prowl the night streets. In one sample 4-hour early-morning period, at a busy Washington intersection, police arrested five men carrying guns and one carrying a deadly tile-cutting knife. Lethal weapons are easy to procure in the Capital, and only half the arrested gun-toters get jail sentences.

No residential area is immune from crime. The home of Senator CLINTON P. ANDERSON, Democrat of New Mexico, remote from downtown, was broken into and ransacked. Teenage Negroes snatched the purse of Mrs. Barnet Nover, wife of the correspondent of the Denver Post, at the rear of her home on upper Connecticut Avenue, and fled with $125.

A note of grim humor even creeps into the never-ending tales of assault and theft. A Negro arrested for robbing liquor stores in daytime explained that he preferred the daylight hours for holdups because he was afraid to carry money on the streets at night.

Washington today is in a ferment of community self-analysis after many years of soft-pedaling talk about an obviously growing problem. Three shocking events shattered the cocoon of apathy. Two of the incidents were symbols; the third, a manifestation of the ailments afflicting the city.

Last summer, Mary Lou Kosterlitzky, administrative assistant to Congressman FRANK J. BECKER (Republican of New York), was stabbed in St. Peter's Roman Catholic Church, only a short walk from the Capitol, where Congress was in afternoon session. As she knelt in prayer, Miss Kosterlitzky was seized by a Negro, who grabbed her pocketbook. She tried to pull away and was stabbed nine times in the back, one knife blow puncturing a lung. A 25-year-old man was later arrested and charged with the assault, as well as assault or attempted rape of three other women. He pled guilty to robbery and assault charges.

Another incident that upset Washingtonians was the January 21 attack on Mrs. Brooks Hays, the petite, 65-year-old wife of a former Congressman who headed the Southern Baptist Convention and now serves as a special assistant to President Kennedy. Mrs. Hays was sewing that afternoon in an upstairs bedroom of the Hays home near the Capitol. Suddenly, a young Negro appeared at the bedroom door. He told her that a woman had sent him upstairs. When she tried to talk him into leaving the house, he snatched a pair of scissors from her hand, threatened her, grabbed $12 from church envelopes being saved for Sunday school and fled. Her wrist was broken in the struggle.

The Hayses are gentle people. Brooks Hays, ironically, lost his longtime seat in Congress from Little Rock, Ark., in 1958 because he was a moderate on the race issue. He was defeated by Dale Alford, a militant segregationist.

Police charged the Hays robbery to a 17-year-old boy who was arrested after trying to enter the home of Mrs. John G. Norris, wife of the military writer of the Washington Post, while Mrs. Norris was taking a shower. Investigation revealed the youth had committed a series of offenses, beginning in his 14th year.

But it was a manifestation of deep social tension, the Thanksgiving Day football-game riot, that really frightened the city. Last fall, 50,000 spectators gathered in the new D.C. Stadium to watch St. John's, Catholic League high school football champions, beat Eastern High School, the public school winners, by a score of 20 to 7. St. John's is predominantly white; Eastern, 99.7 percent Negro.

With the defeat of Eastern, violence exploded among young Negro spectators. Soon gangs of them were thundering through the stadium to attack white men, women and children with knives, fists, boots and bottles. The warfare surged through the exits with the homegoing crowd and fragmented into dozens of assaults in the surrounding streets. When it ended hours later, almost 500 persons had been left such reminders as black eyes, slashed faces, broken jaws, snapped ribs, missing teeth and smashed noses.

A biracial committee (seven whites, four Negroes) investigated the riot, and its report in January caused many to grieve for their city. Especially chilling were the committee's words on the "atmosphere of lawlessness" in Washington's public schools:

"Fear rages through many school buildings, which have become tramping grounds for outside influences, including thugs, hoodlums and persons of the lowest character. The school administration has difficulty in coping with this situation. The morale of many teachers has suffered, and the percentage of resignations and transfers has increased. Nevertheless, school officials fail to cooperate with police and report violations of the law, nor do they maintain a citywide reporting system of incidents of misconduct.

"With such a climate in the school system, students receive little discipline, little guidance and little incentive to develop strong citizenship qualities in far too many cases, and the result has been a steadily worsening misconduct problem in the public schools.

"Conduct at athletic games—including the recent stadium contest—is symptomatic of the school conditions the committee discovered. Alarming were the reports that

many public school children and officials decided not to attend the game because of the fear of violence.

"Staggering was the testimony of various individuals and police as to the stockpiling of weaponry—umbrellas with sharp points, broken bottles, rocks, knives and chains—which are used in public schools and in some instances were displayed at the stadium."

Some authorities and educational specialists charged that the committee exaggerated conditions in the schools. In the end, however, School Superintendent Carl F. Hansen declared that disciplinary problems were acute and had worsened in this school year. Some of the unpublished testimony and reports to the committee told why. Here are samples:

From Eleanor P. McAuliffe, principal of Sousa Junior High School and sister of Gen. Anthony C. McAuliffe (retired), hero of the Battle of the Bulge in World II: "The riot stemmed from the lawless code observed by a sizable proportion of youth in Metropolitan Washington. That code condones 5, 10, or more boys or girls jumping an individual; using a beer-can opener, a pair of scissors, a heavy tree limb, or other instrument in a fight or attack; kicking an individual, boy or girl, who is lying on the ground; kicking a prone individual in the ribs, in the face or about the head; bringing a group of 5 or 10 larger and older boys or girls to get a younger or smaller boy or girl; demanding money with an implied threat of a beating if no money is forthcoming."

From Ruth A. Wynn, principal of John Tyler elementary school: "All last week (after the game), the student body at the Tyler School seemed to be charged with antisocial behavior. Eight boys from a slow sixth grade ran recklessly around the playground at noon, Monday, November 26. They ran pell-mell into the little children, knocking them to the ground. They refused to heed the directions from the teachers in charge. Parents have been contacted and * * * are appalled at the lawlessness of some of the city youth."

From May T. Vermillion, principal of Stanton elementary school: "There is a strong feeling among teachers and principals that we lack authority to really do something to make children and parents realize that certain attitudes and types of behavior are not accepted and will not be tolerated in public schools."

From Catherine D. Bray, principal of Congress Heights elementary school: "Some of these people (at the game) anticipated trouble and came prepared with knives, chains, brass knuckles, and clubs. This reminded me of my first year as principal at H. D. Cooke School where, on the last day of school, the children were to have a fight between Wilson and Cooke. I alerted the teachers, we collected about a dozen knives, and, as I dismissed all classes through the front door, I collected umbrellas and baseball bats. We were covered with police protection." Veteran teachers told the principal this was a problem many schools had to face each year.

From John C. DeShazo, English teacher at Eastern High School: "I don't feel that I am teaching at Eastern High School. My day begins at 8 o'clock. I go into the classroom, and I write an assignment on the board. And the rest of the day virtually is spent barking and growling at my students to get them to do what I tell them to do."

From Wendall A. Parris, director of boys' physical education: "I was called into a situation the other day * * * a new teacher had been there 2 days. Six thugs came in. He had actually to pull a desk around to preserve and protect himself until he got help. This boy is taught to teach physical education. He is not taught to be a jailer or a strong-armed person. Well, somehow, I think this boy needs help. And yet * * * a policeman was knocked down 2 years ago and beaten on the front steps of a school at 9 o'clock in the morning by eight thugs, you see. And this happens * * * every other day, twice a day, three times a day, and * * * all over the city."

Superintendent Hansen submitted a lengthy report too of his own to the board of education, chiding the special committee for failing to point out the schools' good side, but nevertheless underlining the discipline problem. He asked authority to expel rowdy pupils and urged that Washington's rule against physical punishment of students be rescinded. Dr. Hansen added his own examples of the problems faced by Washington teachers:

When a high school teacher reprimanded a boy for failure to do a lesson, the boy cursed him, returned after school with three hoodlum friends to beat him up. One boy threatened to stomp his teacher with heavy combat boots, a type of footgear much in evidence at the Thanksgiving Day game. When the mother of a high school girl demanded that the high school boy responsible for her daughter's pregnancy should marry the girl, the boy said he already was the father of a two-week-old baby by a girl at another high school. One principal reported that only 13 percent of her kindergarten, first- and second-grade pupils have anyone at home when they return from school.

The Washington Post backed Superintendent Hansen's argument that the schools were being made "the whipping boy for society's failure" by the very people who fight for reduced school budgets.

Dr. Hansen has had mixed backing from the school board. In April, it gave him authority to suspend student troublemakers, but refused, by a 5-to-4 vote, to lift the ban on bodily punishment.

Many prominent Negroes—like the whites—seek to shield their children. John B. Duncan, one of the three Commissioners who run the city, doesn't allow his 13-year-old daughter to leave the house after dark. Wendall Parris took his son out of the public school system for which he works, and although not a Catholic, enrolled him in a parochial high school. Wesley S. Williams, president of the city's board of education, sent his daughter to a parochial high school, although he, too, is not a Catholic.

Abuses in the city's welfare program match crime in the streets and faltering discipline in the schools. A series of Senate investigations in the last 2 years revealed that cheaters and ineligibles were getting help under the general assistance and aid-to-dependent-children programs. More recently, a spot check of persons receiving aid because of permanent and total disability showed that half were not entitled to the assistance. A Washington Daily News reporter, Samuel Stafford, got himself a surplus-food card for a $6 bribe, found that distribution of free food to the needy is laced with corruption.

That Washington's crime, school and welfare problems spring overwhelmingly from the Negro community is no longer a matter of dispute. Prominent Negroes and whites agree on that fact. They also agree on the underlying causes: poverty, unemployment, broken homes, ignorance, and parental irresponsibility among thousands of Negroes who have flocked to the Capital from the rural South.

It is when the discussion centers on what to do about the city's disgrace that agreement breaks down. At the poles are the extremists: at one pole, the Black Muslims, who preach their own brand of segregation and hostility toward the white race; at the other, the white racists in Congress who contend that Washington's shame proves their case against integration.

Negroes differ among themselves. George O. Butler, of President Kennedy's Committee on Equal Employment Opportunity, thinks the Negro at work in a good-paying job is the solution.

"It's as simple as this," he says. "If a Negro boy can't get a decent job, he'll turn to welfare or crime. I agree that there's a crisis in Negro leadership in this city, but it's because the Negroes who should lead have become frustrated at their inability to break through the white wall. And if they were leading, they'd get very few followers."

Butler contends that the Negro now has good employment opportunities in Washington's largest industry, the Federal Government, but is thwarted in the unions and finds jobs hard to get in the District of Columbia government, the Washington police force, the printing industry, research plants, banks, and stores.

Says Carl Rowan, a State Department official in Washington for 2 years and now Ambassador to Finland: "When the school authorities, the judiciary and the police are largely white, it's ridiculous to contend that Negro leaders must bear the responsibility for Negro crime. As a Negro, I feel just as concerned for my wife's safety when I leave town as a white man, but Negroes must be integrated into community leadership if they are to be made responsible."

Wendall Parris disagrees. He argues that both races are guilty of failing to "develop leadership in the Negro community." Parris' harsh conclusion: "We've got to quit blaming everything on poverty and broken homes and begin exerting real discipline in our schools and in our lives."

Says Simeon Booker, Washington correspondent of Ebony magazine: "Of course, we must tackle the underlying causes with long-range programs, but that will take years, and in the meantime, we've got to adopt a firm policy of enforcing the law and demanding discipline in the schools."

White leaders disagree even more widely. Some want vastly expanded welfare, social work, and psychiatric programs among Negroes. Some employers contend that Negro applicants for jobs have neither the training nor responsibility for steady employment. Some want home rule instead of the offhand and somewhat disenchanted management of Washington by Congress. Others contend home rule would bring a Negro mayor and council and that the city's Negroes aren't ready for self-government. Some want more integration among civic leaders. Others would rely on a larger police force.

In the field of law enforcement, Police Chief Robert V. Murray, who heads one of the cleanest police forces in the Nation, finds himself frustrated by court decisions that increasingly narrow the scope of police power and give the offender more latitude. Murray's prize exhibit is a graph showing a steady decrease in crime in Washington from 1953 to 1957 and a steady rise thereafter. In the 1957 Mallory decision, the Supreme Court ruled that police officers must not question a suspect unduly before his arraignment. A new city rule imposes additional restraints on Washington police. Arrests for investigation, a fruitful source of information on crime, are now banned.

The series of court decisions that handcuff police in their efforts to cope with criminals, says Benjamin McKelway, of the Washington Star, leads to the belief that "a growing preoccupation with the rights of the criminal has been accompanied by a growing neglect of the rights of the public."

Meanwhile, the police radio crackles all night with announcements of new offenses—yokings of newspaper collection boys, holdups, murder, stolen cars, juvenile gangs hijacking buses, robberies, brutal street beatings. The police cruisers and police-dog teams rush to spot after spot, but almost always they are outmanned by the offenders. It was after one such evening of routine

violence that Detective Robert J. Long went off duty at midnight, shrugged his shoulders and said, "Well, the bad guys won again."

The search for an answer to Washington's plight baffles many earnest men. "I wish," says Commissioner Duncan, "I were wise enough to know the solution. But some of the causes stretch back 300 years and have no easy remedy. All I know is that we should marshal the best brains of the Nation to save this city—and the others like it."

The Washingtonian's Washington, the city behind the massive Federal buildings, the luxury hotels, and the national monuments, is in serious trouble. It may be years before the Capital emerges into the sunshine of civic pride. Right now, the shame of Washington gives every indication of getting worse before it gets better.

THE 1968 WINTER OLYMPICS

Mr. KEATING. Mr. President, I am delighted to learn that the Department of State, in a formal report to the Senate Foreign Relations Committee, has given its full approval to a Senate joint resolution (S.J. Res. 67) inviting the International Olympic Committee to hold the 1968 winter games in the United States and, specifically, at Lake Placid, N.Y., which is the choice of the U.S. Olympic Committee.

This official Government support and the hope which the Department of State has expressed that these games will be held in Lake Placid are extremely gratifying. A tremendous amount of work has already been done by the organizing committee in Lake Placid to prepare their formal application and to meet the demands which such an event would pose. The presentation which has been drawn up is a most impressive document, and I only wish that I could include it, pictures and all, in the CONGRESSIONAL RECORD.

Lake Placid offers unique facilities for winter Olympics, some of them dating back to 1932 when winter Olympics were held there. Others are more recent, and there are plans underway now for construction of an additional jumping hill and another downhill course.

The provisional organizing committee, under the chairmanship of J. Bernard Fell, is also planning to attend international meetings in Athens and, if possible, also Finland, Innsbruck, and Montreal, to press the case for Lake Placid.

Mr. President, the support of the State Department is very welcome and much appreciated in this effort, and I am hopeful that, with approval of the Department, it will now be possible to secure prompt congressional ratification of this resolution which I introduced with the support and cosponsorship of the senior Senator from New York [Mr. JAVITS] and the distinguished majority whip, Senator HUMPHREY, who is also an enthusiastic advocate of U.S. participation in international sports activities.

Mr. President, I ask unanimous consent to have printed in the RECORD, the text of the letter from the Department of State to the Foreign Relations Committee and the text of the joint resolution.

There being no objection, the letter and joint resolution were ordered to be printed in the RECORD, as follows:

DEAR MR. CHAIRMAN: Thank you for your letter of March 29 enclosing a copy of Senate Joint Resolution 67.

The Department of State endorses Senate Joint Resolution 67, extending an invitation to the International Olympic Committee to hold the 1968 winter Olympic games in the United States. The decision as to where the games will be held will be made by the International Olympic Committee at its meeting in January 1964 in Innsbruck, Austria. It is the Department's hope that this committee will accept the invitation of the U.S. Olympic Association to hold the games in Lake Placid, N.Y.

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

Sincerely yours,

FREDERICK G. DUTTON,
Assistant Secretary.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, whereas the United States Olympic Association will invite the International Olympic Committee to hold the winter Olympic games in the United States at Lake Placid, New York, in 1968, the Government of the United States would welcome the holding of the 1968 Olympic games in the United States and expresses the sincere hope that the United States will be selected as the site for this great enterprise in international good will.

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

Mr. KEATING. I am glad to yield to the Senator from Vermont.

Mr. AIKEN. I am sure the Senator from New York would like to point out that one of the great advantages of Lake Placid—possibly the greatest advantage—is its proximity to the very superior and numerous ski areas in the State of Vermont. I am sure he would not want Lake Placid to be denied that recognition which I am glad to supply.

Mr. KEATING. I am grateful to the Senator from Vermont. It is certainly an advantage to Lake Placid to be in close proximity to Vermont, just as the Senator from New York always considers it to be advantageous to be in close proximity to the Senator from Vermont. However, I would not consider that that was the greatest advantage. I would have to differ with that statement of my friend from Vermont, but I hope that many of those who will come to this country for the Winter Olympics in 1968 will have occasion to drop over to Vermont and see the wonders and beauties of that neighboring State with which we in New York enjoy such cordial relations.

Mr. AIKEN. I can assure the Senator from New York that the visitors from other countries will not be able to resist the opportunity to visit Vermont, to which he has called attention.

Mr. KEATING. I am sure of that.

Mr. AIKEN. I agree that the Adirondacks are very beautiful; in fact, the Adirondacks almost became a part of Vermont.

Mr. KEATING. I had heard that it was the other way: I had heard that there was some thought of absorbing Vermont into New York State.

Mr. AIKEN. New York lost that chance in pre-Revolutionary days and even now if we draw a line from Glens Falls to Watertown, we will find all that area in New York north of that line has not yet fully recognized the jurisdiction of Albany.

Mr. KEATING. I thank the Senator from Vermont for his contribution to the discussion.

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

Mr. KEATING. I yield.

Mr. DOMINICK. I congratulate the Senator from New York for his work in having the State Department endorse the joint resolution extending an invitation to the International Olympic Committee to hold the 1968 winter Olympic games in the United States.

If in the process there happens to be, unfortunately, any problem of procuring good snow or ice conditions in New York, we would welcome the participants to come to Colorado where there are execllent facilities for winter sports.

Mr. AIKEN. Is the Senator referring to such snow problems as confronted Colorado during the past winter?

Mr. DOMINICK. That was something which we thought would be fine for the visitors. We arranged to have the snowfall at night so that the visitors could ski during the day, without having to interrupt their other sporting activities.

Mr. AIKEN. It seemed to me that for the first 3 months of the winter, people from Colorado were coming to Vermont, where they could find some snow and which we were glad to share with them.

Mr. KEATING. One community in New York, in the very area about which I am speaking, had so much snow that it covered the second story of many houses. So we assure those who will come to New York that they will have an abundance of snow and an abundance of cold weather to make their stay enjoyable.

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

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. KEATING. Mr. President, I now wish to speak about summer vacations, so I ask unanimous consent that I may discuss them for an additional 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from New York is recognized for an additional 3 minutes.

Mr. AIKEN. Now that the Senator from New York has referred to the depth of snow on the west side of Lake Champlain, I should like to point out that at one period this winter the snow was so deep in Vermont that some of the chairlifts which carry skiers to the top of the mountains were actually operating under snow.

Mr. KEATING. Mr. President, I can always be sure that my friend the Senator from Vermont will top what I cite

by referring to another situation—just as he so often tops our observations in the Senate with his observations.

NEW YORK'S FABULOUS FINGER LAKES REGION

Mr. KEATING. Mr. President, not only is New York proud of its winter facilities, but it is also justly proud of its many scenic beauties, natural resources, and attractions for vacationers at other times of the year, as well as in winter. Today, I wish to call particular attention to the area which surrounds the Finger Lakes in central western New York.

This region is famed for its history, natural beauty, industrial potential, and attractions for visitors. Its endless variety of sights and scenes make it a mecca for an increasing number of vacationers.

To those who have been fortunate enough to visit this lovely area, I extend a cordial invitation to return. To those who have never been there, I say come take a look, so that you will learn why this region has earned the name of the fabulous Finger Lakes.

Mr. President, the Rochester Times-Union on May 18, 1963, featured a special section outlining the wonders of the Finger Lakes region and also setting forth a proposed datebook for Finger Lakes fun, running from May 26 to November 31. However, so far as I recall, November has only 30 days; so I suppose this program will extend until December 1.

I do not suppose many Members of the Senate will have time to spend all of that period in this area; but this section of the Rochester Times-Union is available to all Members to read. I welcome them to this wonderfully beautiful area in central western New York; and I ask unanimous consent that excerpts from the section published in the Times-Union be printed at this point in the RECORD.

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

THE FINGER LAKES: NATURE'S GIFT FROM THE GREAT GLACIER

(By Jose Echaniz, Jr.)

The crystal clear water of the Finger Lakes region—crashing down a waterfall, coursing through a rock gorge or serenely rippling in a cool lake—is permeated with history and legend.

The names of William Henry Seward, Mark Twain, Millard Fillmore, Samuel Hopkins Adams echo from glen to glen, mingling with Indian myths and legend.

The very formation of the Finger Lakes is steeped in legend. Indian lore saw the entire area as an enormous turtle. The blue lakes were pools between the ridges in the turtle's shell.

Later, early white settlers originated the legend that the lakes were the imprint of the hand of God which remained after He laid His hand in blessing on this favored land.

Geologists see the area as formed by the Great Glacier. As it receded it opened deep lakes in what were once river beds. The glacier blocked southerly flow of the rivers and forced them to back up and eventually carve new routes north into Lake Ontario.

Then the new streams feeding the lakes began to cut picturesque gorges into the land. By the time the Indians arrived, the area was a region of unrivaled beauty.

The streams had cut scenic gorges through the rock, and waterfalls plunged by the hundreds.

The Indians gave the lakes names: Skaneateles, meaning "long lake"; Owasco, "the crossing"; Cayuga, "boat landing"; Keuka, "canoe landing"; Canandaigua, "the chosen place."

And to the mightiest and longest lake they gave the name of the mightiest nation of the Indian confederacy—Seneca.

Names in American history also ring through the area.

Millard Fillmore, 13th President of the United States, was born near Moravia in the Owasco Lake area. The same region was the boyhood home of John D. Rockefeller.

The home of William Henry Seward, Secretary of State under President Lincoln, is preserved as a museum in Auburn at the northern tip of Owasco.

Auburn also was the home of Samuel Hopkins Adams, one of the State's best known authors ("It Happened One Night," "Revelry," and "Tenderloin").

Elmira is the former home of Mark Twain who wrote "The Adventures of Tom Sawyer" and other works in a small octagonal study built in the form of a Mississippi riverboat pilot house in 1874 just outside the city.

Today the Finger Lakes area is one of the State's richest agricultural regions. Wineries in Hammondsport and Naples make New York State wines famous.

Its industry ranges from one of the largest rope manufacturing plants in the world in Auburn, to Watkins Glen, one of the largest salt producing centers.

Annual attractions combined with the natural beauty and resort facilities make the region an attraction for 2 million tourists each year.

Thousands are attracted to the Newark Rose Festival, the Grand Prix sports car races in Watkins Glen and the Mormon pageant on Hill Cumorah near Palmyra.

Tours of the wineries, the Corning glass center, the 10 State parks in the area, the new Finger Lakes racetrack near Canandaigua, and numerous historical homes and museums draw thousands more.

YOUR DATEBOOK FOR FINGER LAKES FUN

To May 26: Apple Blossom Time, Williamson; Blossom Queen parade and crowning, other events, next Saturday from 2:30 p.m.

June: Antique Show, Skaneateles.

June 12–13: House and garden tour, sponsored by the Syracuse Area Garden Clubs, Skaneateles.

June 27–29: Junior tennis tournament, sponsored by the New York State Junior Chamber of Commerce, for boys up to 18, Ithaca College.

June 28–30: Watkins Glen Grand Prix, sports car road races for $4,250 in prizes, Watkins Glen.

July 1 to Labor Day: Sesquicentennial celebration of the burning or Sodus Point by the British, June 19, 1813, Sodus Point.

July 2–12: National Soaring Contest at Harris Hill near Elmira.

July 3: Fireworks display, Schoellkopf Field, Cornell University, Ithaca.

July 3: Flares for youth, Skaneateles.

July 4: Fireworks and races, Sodus Point.

July 4–6: New York State junior tennis tournament, sponsored by Ithaca Junior Chamber of Commerce, Ithaca College, and Cornell University.

July 4–5: Sesquicentennial celebration, Prattsburg.

July 9–13: Trumansburg Fair, Firemen's parade, Friday, July 12; horse races, Friday and Saturday, Trumansburg.

July 10–11: Reading Antique Show and Fair, Reading Center, Route 14A.

July 10–14: Yates County Fair, horse show, exhibits, Penn Yan.

July 12–14: Genoa Days, parade, exhibits, entertainment, Genoa.

July 17–18: Antique show, Penn Yan.

July 24–25: Kiwanis Do-Good Auction, Penn Yan.

July 26: Sidewalk sale, beauty contest, Penn Yan.

July 12–13: Antique show and sale, St. Thomas Church, Bath.

July 15–20: Ontario County Fair, firemen's parade, Canandaigua.

July 26–28: New York State Babe Ruth League Championship Playoff, Wayland.

July 27–28, August 3–5: Glenora Music and Art Festival, concerts and art exhibits, Glenora, Route 14, north of Watkins Glen.

July 31–August 3: Mormon Pageant, Hill Cumorah near Palmyra.

July: Art and ceramics show, St. Matthews Parish House, Moravia.

August: Antique show, St. Matthews Parish House, Moravia.

August: Outboard Motorboat Regatta, Skaneateles.

August 6–10: York State Craft Fair, Ithaca High School.

August 9–11: Annual Aqua Festival, Seneca Falls.

August 10: Pro football, New York Giants versus Chicago Bears, 3 p.m., Schoellkopf Field, Cornell, Ithaca.

August 13–17: Wayne County Fair, Palmyra.

August 14–15: Empire State Potato Field Day, Prattsburg.

August 14–17: Fire Department and VFW Fair, parade, Saturday, August 17, Moravia.

August 15: Fireworks display, Clyde.

August 18: Keuka Lake water carnival, Penn Yan.

August 20–25: Steuben County Fair, parade, all-girl rodeo, Bath.

August 23–25: National Glen classic race, championship sports car road races and Indianapolis midget races, Watkins Glen.

August 24–25: Invitational regatta, Sodus Bay.

August 31: Genundowa ceremony, "Feast of Lights" on Keuka and Canandaigua Lakes.

August 31–September 2: Yacht races between Rochester and Sodus Bay.

August 31–September 2: One design 1–26 regatta, Harris Hill, Elmira.

September 1: Peach Orchard Choral Music Festival, art exhibits, Watkins Glen.

September: Water Ski festival, Skaneateles.

September 4–7: Dundee Fair, Dundee.

September 21: Indian celebrations, rites of direct descendants of Owascan and Cayugan Tribes, Auburn.

October 3: Grape festival, Naples.

October 4–6: U.S. Grand Prix, 253-mile, 110-lap race, Watkins Glen.

November 28–31: Snowbird meet, Harris Hill, Elmira.

THE TRUTH-IN-PACKAGING BILL

Mr. RIBICOFF. Mr. President, the voice of the consumer is finally being heard in the land. When the Senate Antitrust and Monopoly Subcommittee began its hearings on the truth-in-packaging bill, introduced by the Senator from Michigan [Mr. HART], it enjoyed only scattered support, mainly from Senators deeply concerned with the plight of the unorganized consumers in this country. Opposition to the bill was formidable and organized, however.

Now I note that the fight which Senator HART and the cosponsors of his bill have been carrying on for the consumers

has won significant support. On May 18, the New York Times, in an effective editorial, unequivocally gave its support to the truth-in-packaging bill. On May 20, the Washington Post added its support for truth-in-packaging, in an equally effective editorial.

The bill is presently in the Antitrust and Monopoly Subcommittee, and hopefully it will soon be reported to the full committee. Senator HART should have the thanks of all the American people for his conscientious hard work on this important proposal.

I ask unanimous consent that these two editorials be printed in the RECORD.

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

[From the Washington Post, May 20, 1963]

INSIDE STORY

Have you been misled by packages promising a "giant half quart" or confused by labels giving exotic quantities for making price comparisons? With more and more emphasis on consumer packaging, it seems a legitimate public concern that the labels bear a proximate relationship to truth. This at least is the contention of Senator PHILIP A. HART, who, with a group of colleagues, has introduced a "truth-in-packaging" bill. The legislation is now before the Senate Antitrust Subcommittee, and it seems to us that favorable consideration is in order.

Extended hearings have disclosed abuses and have pointed to the lack of remedies under present law. The proposed bill would permit the Food and Drug Administration to issue regulations that would assure honest and conspicuous labeling. When necessary, the FDA would also be authorized to establish standard weights and measures in which commodities may be sold and determine what constitutes "small," "medium," or "large" in various items. The bill is not designed as a criminal measure but is an amendment to the Clayton Act, stressing civil sanctions.

Though there may be dissent on details of the legislation, the essential principle is surely sound. The old doctrine of caveat emptor has long been modified by the law, and it is as much a technique of unfair competition to mislead on size as to deceive with misleading advertisements. Secretary of Commerce Hodges, who is not insensitive to business needs, says of the measure: "The bill would not only serve to protect the interests of consumers throughout the country, but would also serve to protect and advance the interests of manufacturers, packagers, and all other business elements participating in the distribution of consumer goods."

[From the New York Times, May 18, 1963]

TRUTH IN PACKAGING

The Senate Antitrust and Monopoly Subcommittee will decide in the next few weeks whether to report out the truth-in-packaging bill sponsored by Senator HART, of Michigan, and eight other Democrats. The bill is designed to protect buyers against the grossly misleading designations, illustrations, and size manipulations that often make sensible shopping almost impossible.

Deceptive packaging and labeling practices, as President Kennedy observed in his consumer message last year, are "clearly incompatible with the efficient and equitable functioning of our free competitive economy." In the modern supermarket the function of salesmanship has largely been taken over by the package. Consumers have a right to expect that packages will carry trustworthy information about their contents, set forth in a manner that permits ready comparison with competing products. Responsible manufacturers will benefit as much as the shopper from legal safeguards against unethical competition.

Senator HART announced when public hearings closed last month that modifications were planned to ease some excessively restrictive features in the bill's original draft. These should help guard against the danger of stifling ingenuity or enterprise in making foods and other goods more attractive to buyers. The general purposes of the measure are sound and deserving of subcommittee support. On the basis of positions already indicated, it appears that the key vote may be that of New York's Senator KEATING. His attitude toward the bill may determine whether it goes before the full Judiciary Committee and from there to the Senate floor.

TRIBUTE TO SENATOR GRUENING

Mr. MOSS. Mr. President, a man of decision and vision makes the world in which he lives and in which future generations will live a much better place. Such men often have diversified talents.

Friends in Alaska have called to my attention an article which appeared in the March 29, 1963, edition of the Juneau Daily Empire. The article, entitled "Speaking of Just About Everything," was written by Mr. Vern Metcalfe; and in the article the author reflects on the many talents of my good friend, the Senator from Alaska [Mr. GRUENING].

Mr. Metcalfe suggests that Senator GRUENING's command of the English language is second only to that of Winston Churchill. While ERNEST GRUENING has not yet written as many books as this Nation's new citizen, he has added substantially and substantively to our book shelves with such major works as "Mexico and Its Heritage," "The Public Pays," and "The State of Alaska." I hope he is presently putting into manuscript form accounts of the other events in which he has participated.

I commend Mr. Metcalfe for his well-written column, and am pleased to have this opportunity to call it to the attention of my colleagues.

Mr. President, I ask unanimous consent that the article "Speaking of Just About Everything," written about our colleague, the Senator from Alaska [Mr. GRUENING], be printed in the RECORD at the conclusion of my remarks.

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

SPEAKING OF JUST ABOUT EVERYTHING

(By Vern Metcalfe)

This past week saw our friend, ERNEST GRUENING, in town for a wedding, that of his son, Hunt, and again we were exposed to the charm that can only be generated by this particular man. There are those, as I well know, who would use another word than the one I've chosen, "charm," but then everyone is entitled to his own opinion.

I've been exposed to the man known as ERNEST GRUENING for some 17 years now and I have heard any number of adjectives, printable and otherwise, applied to the gentleman in question. But one thing I've never heard is anyone doubting his intelligence. And it might be well to point out that Alaskans who have been exposed to the Gruening ways, are certainly among the most fortunate of peoples because, when this man starts to speak, we are hearing one of the true artists of the English language.

This was brought home to me forcibly this past week when I tape recorded an interview for my "Voice of the People" show with our junior U.S. Senator. The lobby of the Baranof will probably still show pieces and parts of the Department of Defense, Fish and Wildlife Service, and what he quaintly terms the "steamship monopoly." I asked two questions of the Senator, one more than I usually get in this sort of thing, and then sat back to enjoy the proceedings. It is interesting to note that two staff members of KJNO were so enamored with what they were hearing on the monitor that they came up to the lobby to hear it first hand.

My purpose here is not to agree with all ERNEST GRUENING had to say, although I would find it hard to disagree, but to point out that our elder statesman has a command of the English language second only to Winston Churchill. There are those doubters, probably, in the audience, but here is a man who thinks in paragraphs and chapters where the rest of us mortals are desperately seeking a complete sentence.

I've always felt that I was indeed fortunate in coming to Alaska at the tender age of 18 and being interested in politics because I've had the opportunity of meeting such men as GRUENING and BOB BARTLETT. There are men who know both of them better, but I've had my moments and this has given me a great insight into the world of politics. I frankly doubt if anyone could have two better, or more contrasting, teachers than these two men.

Both have an uncommon talent for seeing many years in the future, but they attack their chosen course in far different matters. In a later article I'd like to write about BOB BARTLETT, but this piece relates to E. GRUENING. I must have heard the man in question speak well over 100 times, but he has never failed to delight me and I've heard him in the company of such people as Adlai Stevenson and John F. Kennedy. He has yet to come off second best.

Last Saturday morning I proved, without a shadow of a doubt, that I'm a Gruening buff when I arose at an uncommonly early hour following a Democratic legislative banquet to wend my way to a joint meeting of the legislature just to hear GRUENING speak for the one hundredth and umpteenth time. The Senator was not in full cry by any means but I found out later that he felt that he should drop only hints to what he termed "My fellow legislators" which sets a new course record for E.G.

In the past I've never noticed any reluctance on the part of the man I consider one of the great catalysts of our time to lay waste to various and sundry enemies, usually governmental agencies, that stand in the way of Gruening projects. If I had not only the previous day seen the GRUENING of old in full cry I would have suspected a general softening in the Gruening attitude. I can assure you, however, that this is not the case at all.

His remarks about the Fish and Wildlife Service brought a hurry up visit of one of the minions of this department requesting a tape so that his remarks could be transcribed to paper for the files of Secretary of the Interior Udall who, I would gather, is developing a Gruening complex. This has happened to other men who have held this same job and one cannot accuse our ERNEST of playing any favorites. He has been equally harsh with Harold Ickes, Douglas McKay, and Fred Seaton so I wouldn't want Stew Udall to think he is being unfairly treated.

GRUENING's great project is the Rampart Canyon Dam which would provide hydroelectric power for the State of Alaska, and it takes a visionary, and GRUENING is all of this, to even believe that such a project can be brought off. There are any number of people who are opposed to this including a group mistakenly termed "conservationists."

I for one am as interested as anyone in conserving our resources, but I've never found any merit in what one friend of mine once termed "conservation through waste." Neither is ERNEST GRUENING who wants resource development and knows that this can only come about once there is a vast amount of cheap power.

The arguments now being advanced against Rampart are the same advanced some 30 years and more ago against the development of Grand Coulee Dam. Having been raised near this sagebrush and jackrabbit haven, I can assure you that the project not only provided power but it turned the desert green and the lake behind the dam is now a sportsman's paradise. All of this was accomplished by other visionaries who fought for some 20 years and overcame those who were positive that it would lay waste to the fisheries resource. I could at this point recommend a book called "Hail Columbia" for history revisited but since George Sundborg, who works for GRUENING, wrote it, I'm afraid someone would find it suspect.

Be this as it may, I just wish they hadn't cracked the mold, and I'm sure they did, when ERNEST GRUENING was created. We could use a couple of more like him. Say one on the city level and one on the State level. But then maybe this would be too much of a good thing.

RECREATIONISTS SHOULD HELP DEFRAY COSTS

Mr. MOSS. Mr. President, as a cosponsor of Senate bill 859, I was very much pleased to read in the Salt Lake Tribune of May 6 a lead editorial entitled "Recreationists Should Help Defray Costs." This is a very well written and thoughtful editorial concerning the bill, which has been introduced, to provide additional funds for the acquisition of recreation land. I ask unanimous consent that the editorial be printed at this point in the RECORD.

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

RECREATIONISTS SHOULD HELP DEFRAY COSTS

Although some details of the proposed national land and water conservation fund are under attack, and several questions are unresolved, the fund likely will be approved eventually along the general lines of administration proposals now in Congress.

The fund would be created to help the States and Federal Government meet increasing public demand for additional outdoor recreation areas and facilities. It would provide outdoor recreation grants-in-aid to States on a matching basis and enable the Federal Government to buy certain lands for recreational purposes.

The fundamental aim of the conservation fund is to assure future generations sufficient opportunities for outdoor recreation.

Millions of Americans who find physical and mental refreshment through outdoor recreation would help pay the cost of making land and water recreation areas available.

The fund would derive from three main sources: a recreation user fee for public land and water areas, rededication of an existing 4-cents-a-gallon tax on pleasure boat fuel, and receipts from the sale of Federal land and property.

The most controversial phase of the program, particularly in the Western States where most outdoor recreation has been free, is a proposed automobile sticker, to be sold for $3 to $5 per year, for admission to various public areas. Similar stickers already are required for entry to major national parks. As envisioned, the new stickers would admit the vehicle into various kinds of parks, monuments, and recreation areas. No doubt some national forests would be included in the plan, although an explanatory statement by Interior Secretary Udall says that "the great bulk of national forests, national grasslands, and national land reserves" would not require the stickers.

Supplementary fees would be charged for special camping, picnicking, and swimming areas. The charges would be made where special facilities are provided, such as hot water, washing machines, bathhouses, and trailer hookups.

Enforcement and fee collections will pose administrative problems. Use fees were charged on an experimental basis in several popular areas of the national forests several years ago, with uneven results. In some areas collection and administration costs exceeded the money taken in. Collection boxes and coin turnstiles, proposed for some out-of-the-way places, could encourage theft and vandalism. This phase of the program well might be combined with plans to put youth to work during the summer months.

States would occupy a key role in the administration and development of public outdoor recreation opportunities.

The program envisions acquisitions of substantial acreage to be financed with as little impact as possible on the Federal budget.

It is fair and basically sound that outdoor recreationists should pay directly into a fund to improve and maintain facilities and protect scenic resources.

The principal aim should be to keep the charges fair and equitable and in keeping with initial aspirations of the Outdoor Recreation Resources Review Commission which years ago pointed to the need for such a fund.

ROBINS AWARD OF AMERICA CONFERRED ON HENRY J. KAISER

Mr. MOSS. Mr. President, the Utah State University annually holds an award ceremony called the Robins Award of America, which is under the direction of the student assembly, at which various outstanding persons in the United States are given awards by various categories.

This year, one of the awards went to Henry J. Kaiser, for his accomplishments in the field of industrial development. On that occasion Mr. Kaiser delivered an excellent and thought-provoking address. I ask unanimous consent that it be printed at this point in the RECORD.

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

ADDRESS BY HENRY J. KAISER, ROBINS AWARD OF AMERICA, UTAH STATE UNIVERSITY, LOGAN, UTAH, APRIL 20, 1963

Tonight I address myself to the fine young men and women in this audience and to those on other campuses across the Nation, who are responsible for our being here.

I think everyone here must know that this is a most inspirational and memorable evening for me.

Learning how young college men and women of America vote to select the Robins awardees, I immediately made plans to make it possible to attend the award ceremony. The importance of this event is because it is an expression of youth. I take great inspiration whenever I can be among young people. It is youth who will build the world of tomorrow.

To the young men and women who voted the award, I wish I could adequately express my very deep appreciation.

It is a privilege indeed to be in this distinguished company of leaders and of youth who will be leaders in the coming one-third of the 20th century.

What will be the opportunities for young men and women?

Who will build the tomorrow but today's youth?

My reply to youth can best be said in these words of a poet:

"TODAY

"(By Angela Morgan)

"To be alive in such an age!
With every year a lightning page,
When miracles are everywhere,
And every inch of common air
Throbs a tremendous prophecy
Of greater marvels yet to be.

"To be alive in such an age—
To live in it,
To give to it!
Give thanks with all thy flaming heart—
Crave but to have in it a part."

Looking ahead in this age of wonders coming true, think of what lies immediately ahead of you—the opportunities, the challenges, the time of progress in which you will be shaping your lives and careers.

It is not necessary to pull forecasts of what will take place out of thin air. The U.S. Government and two sound planning associations have joined in predicting what Americans will accomplish in coming years.[1] Let's look at a few of their official forecasts:

First, take 1976. That's only 13 years from now, and from my vantage point of 81 years, that's like tomorrow.

In 1976, this country's annual output of goods and services will reach about $1 trillion.

America's population will top 235 million. And more than 92 million will be gainfully employed.

Almost 70 percent of American families will be earning more than $6,000 a year.

We'll fly from Los Angeles to New York in 90 minutes at 2,000 miles an hour.

And there will be literally thousands of new products and services resulting from today's and tomorrow's amazing discoveries in electronics, chemistry, metals, plastics, and all the fields of science. Thus, this forecast indicates there will be a tremendous array of new products and services for you to improve and make and market and use.

And now what do the forecasters say about your world in 37 years—the year 2000?

You and your family will be part of a Nation of 350 million people.

Your work will contribute to a gross national product of $2 trillion. Think of it—$2 trillion.

And if you are only average—but I think you're better than average—your family income will be $14,750 a year, after taxes. And I'm talking in terms of 1959 dollars.

There will be those who will say, "Impossible. It can't be so good."

These may be the descendants of the people who said to me a few short years ago, "Henry, don't be fantastic," when I proposed that we set our goals for the postwar years at a $400-billion economy with a national work force of 60 million men and women. As it turned out, those figures were too small; they were greatly exceeded.

So if the short-range shooters tell you that you're all wet—that things can't possibly be that good—listen to what they say. Then readjust your sights. Chances are they set their sights too low.

I recommend that you carry one piece of equipment with you all the time: A specialized eraser that automatically wipes out the "t" in can't.

[1] "Projections to the Years 1976 and 2000: Economic Growth, Population, Labor Force and Leisure, and Transportation"—reports to Outdoor Recreation Resources Review Commission to President and Congress; U.S. Government Printing Office, Washington, D.C.

I have found that so-called impossibles are usually only impossibles as fear and lack of courage make them so. I well remember when the Doubting Thomases said, "It can't be done; it's impossible for the west coast to mass-produce ships." Yet, ships were built—at record low cost—at the rate of one a day.

The same "can't-ers" sang their negative tune about aluminum and steel, cement and medical care. And you will hear those who say you cannot accomplish your goals.

As I grew to manhood and became a builder, I was told that the day of the individual success was past; the big things had been done; the great fortunes had been made. I could not believe that and I hope you don't.

But I recommend this conviction to you: The prospects for your tomorrows are as limitless as the minds and hearts of men—yet as real as the bold imagination, the faith, the love, and the will to work that men can unleash.

In just a nutshell, what is the best counsel I can give you to achieve the most and best with your own life?

Find a purpose—an aim—a goal for your life. Choose what you most of all want to accomplish. Evaluate your abilities and field of greatest interest. Set your aim on an underlying purpose that will call forth your finest aspirations and energies. The psychologist Walter Pitkin brought to light that the average man never uses more than one-fifth of his brain as he could.

Find a need of people and fill it. That is a key to success. Discover in what work you can be of greatest service. Only as you give of yourself to others will the more abundant rewards of life flow back to you. The person who really loves people and wants to serve others will realize the happiest and most successful life.

Have faith—faith in yourself and your highest aspirations, faith in your fellow men, faith in God that gives you help from the Higher Power. Yet faith without works is dead. Believe in your dreams, and then work with joy, unceasingly to make your dreams come true. You'll learn the adventure and fun in working to achieve your goal.

The future holds wide horizons of limitless opportunities—the opportunities of this age of scientific revolution—opportunities of achieving the benefits of material civilization and lasting peace of all mankind. Give thanks to live in such an age; yet never for a moment underrate the part you, yourself can take in it.

Vow to yourself that you will achieve the best within you, knowing as the poet wrote:

"ASPIRATIONS

(By Emily Dickinson)

"We never know how high we are,
Till we are called to rise;
And then if we are true to plan,
Our statures touch the skies."

THE WHEAT FARMERS HAVE MADE THEIR DECISION

Mr. HUMPHREY. Mr. President, the wheat farmers of America made their decision Tuesday in the referendum on the wheat certificate plan. Their decision is to be respected. There now is a great deal of work that lies ahead of us.

I have outlined four suggestions that I hope will be helpful:

First, the U.S. Department of Agriculture should do all it can under existing law to enable the wheat farmer to obtain the fairest possible price for his product.

Second, there should be immediate consultation among the Department of Agriculture, all farm organizations, representatives of wheat producer associations, grain cooperatives, and the private grain trade in order to study all of the alternatives available for maintaining wheat prices.

Third, we must redouble our efforts to find new markets and new uses for wheat, both at home and abroad.

Fourth, the Commodity Credit Corporation must not use its surplus stocks of wheat so as to affect adversely the prices on this year's crop. This means that Commodity Credit Corporation stocks must be withheld from the market, as necessary, in order to prevent price-depressing effects.

Adoption of the feed-grains program for the 1964–65 crop years will aid in maintaining better prices for wheat, by acting as a stabilizer.

Mr. President, I repeat that the wheat farmers of America have given their decision, and it shall be respected. It now is up to the Government and the wheat producers, working together, to do everything possible to maintain a fair level of farm income.

I am confident that Secretary of Agriculture Freeman, who is a good friend of the American family farmer, will continue to carry out his duties as Secretary in a manner which will provide the maximum benefits under existing law to wheat producers, handlers, processors, and exporters.

The Secretary said, in a statement released yesterday, that, among other things, there will be no dumping of Commodity Credit Corporation wheat, either domestically or in world markets, and sales of wheat for export will be handled in normal channels of private trade to the maximum extent possible consistent with the fulfillment of our international obligations under the International Wheat Agreement.

Mr. President, I ask unanimous consent that the text of Secretary Freeman's statement be printed at this point in the RECORD.

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

STATEMENT BY SECRETARY FREEMAN ON WHEAT REFERENDUM

Yesterday, wheat farmers in the United States with complete information on the alternatives open to them, chose to reject national marketing quotas for the 1964 crop. It means that for the next year unlimited wheat production with no price support is an option open to every American farmer.

It is the earnest hope of the Secretary of Agriculture and this administration that wheat farmers and our agricultural economy in particular and our national economy in general will benefit from this decision freely made by American farmers at the ballot box. We will do everything in our power to that end. There will be no dumping of CCC wheat. CCC sales of wheat for unrestricted use in domestic markets will be limited in 1964 to prices 5 percent higher than the price support of $1.25 plus reasonable carrying charges.

The wheat program, however, is a continuing program. Since 1938 Congress has wisely provided an alternative to acreage allotments and marketing quotas, to be effective if marketing quotas are not approved. That alternative program as provided by law will be in effect for the 1964 crop.

The 1964 wheat program provides price supports at 50 percent of parity for producers who voluntarily choose to comply with the acreage allotments applicable to their farms. Such farmers will be eligible for price support loans on the 1964 crop at about $1.25 a bushel.

This program then will be in effect for the 1964 wheat crop. If it works satisfactorily and farm income is maintained and wheat supplies are not excessive as those who urged a "no" vote in the referendum confidently predicted, no further program will be necessary. In any event, this point of view which prevailed in the referendum is entitled to a full and fair trial. Only when we see what happens can we be certain what program is the best.

If however, supplies of wheat in 1963–64 prove to be excessive the Secretary of Agriculture under the law must proclaim a national marketing quota and a national acreage allotment for the 1965 crop of wheat prior to April 15, 1964. And a referendum must by law then be held within 60 days after such a marketing quota is announced to determine if two-thirds of the wheat farmers support quotas. This means that should the program voted in on May 21, 1963, not succeed that a referendum will be held for the 1965 crop prior to June 13, 1964. Such a referendum if it proves necessary will be held not later than June 13, 1964.

In the world market, we can and will continue to fulfill our obligations under the International Wheat Agreement despite the current price and production uncertainty. This will be done under authority delegated to the Secretary of Agriculture by the President. The United States will work with the International Wheat Council and with its member countries and with the wheat trade and wheat producers to preserve the stability of world wheat markets and world wheat prices which we have so long sought together. Sales for export will be handled in normal channels of trade to the maximum extent possible consistent with the fulfillment of our international obligations. There will be no dumping of U.S. wheat in world markets.

THE WHEAT REFERENDUM VOTE

Mr. HOLLAND. Mr. President, I approve heartily of much of what has been said by the Senator from Minnesota in regard to the need for taking counsel and the best possible advice immediately as to what should be done about the wheat situation. I did not have an opportunity to follow all of the Senator's statement.

But, Mr. President, I believe that any of us who feels that we have reached the end of the road merely because the wheat farmers of America strongly expressed their unwillingness to accept the regimentation offered to them, without trying to find some helpful alternative, would be very unwise, indeed; and I hope that philosophy will not prevail.

In order that Senators may have before them a picture of the editorial comment on this important matter, I have chosen several editorials which I now ask unanimous consent to have printed in the RECORD, as a part of my statement:

First, an editorial entitled "Another Wheat Plan," from the Washington Post of today.

Second, an editorial entitled "They Don't Believe in Santa Claus," from the Philadelphia Inquirer of today.

Third, an editorial entitled—and, Mr. President, I observe that the editorial

writer, in seeking for a superlative term to express the ideal of independence, reached into the South for the headline of the editorial—"A Rebel Yell From the Farmers," which was published today in the New York Herald Tribune.

The fourth editorial, entitled "Victory for Farmers; Defeat for Kennedy," published in the Chicago Tribune of today, I ask to be included.

The fifth editorial, entitled "Wheat Vote," published in the Baltimore Sun of today.

The sixth editorial, entitled "The Open Road," is from the Wall Street Journal of today.

The seventh editorial, entitled "No Controls on Wheat," is from the New York Times.

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

[From the Washington Post, May 23, 1963]

ANOTHER WHEAT PLAN

Defeat of the administration's wheat plan in the farmer referendum presents the Government with a very serious economic problem. The results of the voting were so decisive as to leave no room whatever to doubt farm dislike for the plan under which wheat acreage would have been cut 5.5 million acres, individual farm plantings reduced 10 percent, bushel quotas established and a two-price system instituted. The country now knows very clearly what farmers do not wish to do. It does not have a very clear idea of what they wish to do.

Many will be tempted to say that nothing more should be done about wheat this year—that the wheat growers should be left with virtually no price supports or acreage or marketing controls. This alternative will involve greater production than ever and very low wheat prices. In many rural areas of the United States, real economic hardship will result. It is not only the wheat farmers who will suffer, but rural communities in wheat growing areas. The hardship will spread beyond its source to a whole sector of the economy. And it is idle to suppose that it will not have its effect on employment throughout the country.

There may be impatience with the wheat growers. Confronted with a choice between rigid controls coupled with high price supports and loose controls and low price supports they seem to wish to have loose controls and high price supports. They are, no doubt, illogical. The Government cannot indulge in a fit of pique, however, and leave the wheat farmers to their own devices. Despite all impatience and annoyance, it must pick up the pieces and try to devise a program that will keep an important segment of agriculture from going into an economic tailspin.

What is called for is a serious reexamination of the whole apparatus of wheat production control and support prices. The Department of Agriculture's answer to the wheat problem had much to recommend it, but it certainly did not commend itself to the growers. They did not want this particular program. The Government will have to try again with a different combination of devices to keep output and demand in some kind of balance without catastrophic price declines.

[From the Philadelphia Inquirer, May 23, 1963]

THEY DON'T BELIEVE IN SANTA CLAUS

We don't know what happens next in wheat marketing after that thunderous "no" vote to strict production controls and a guarantee of $2 a bushel. We doubt it will be as bad as Secretary of Agriculture Orville Freeman made it sound while he was campaigning for a "yes" vote—unless, in a fit of pique, he orders dumping of Government surpluses already held, which is unlikely.

And we suppose the middleman will keep the housewife's daily loaf of bread at a price near what she has been accustomed to pay, no matter what happens to the price of the raw material.

But it was refreshing, all the same, to find any segment of American society at all these days willing to tell Santa Claus to go jump in the lake. Wheat farmers, evidently, prefer to run their own farms at their own risk.

The American Farm Bureau Federation which, as much as any single factor, brought about the growers' revolt, had only a rather middling-hopeful victory statement, in our estimation. Charles Shuman, head of the organization, said: "The way now is open for the Congress to solve the wheat surplus problem on a basis consistent with the maintenance of the market system."

The way is clear, to be sure, but the solution is less so; and surplus grain storage costs are already in the neighborhood of $1 billion a year—an expensive neighborhood.

If Congress doesn't come up with better ideas, the existing stopgap plan may produce about $1.25 a bushel support prices for those farmers who voluntarily cut production 10 percent—or whatever Santa Claus may ask.

The farmers, however, may well have had in mind that the likelihood of their being left standing out in the cold very long is minimal. There will be another vote, political in nature, next year. No doubt it will have some little bearing on what Congressmen—and the administration—do next.

[From the New York Herald Tribune, May 23, 1963]

A REBEL YELL FROM THE FARMERS

The wheat vote was a stunning defeat for the administration planners. It was also a striking affirmation by the Nation's farmers that the spirit of independence isn't dead.

They voted for a reversal of the farm policies of the last 30 years. They opted for less Government in agriculture, not more—and they probably torpedoed administration hopes of extending to yet other products the unprecedentedly rigid controls proposed for wheat.

It was just 30 years ago this month that Franklin Roosevelt signed into law the Agricultural Adjustment Act. Those three decades have seen a technological revolution on the farm. Productivity has soared; it still is outstripping increases in consumption. To compulsive planners, this means one thing: That there have to be ever tighter controls (or, in the current euphemism of the New Frontier, "supply management") to keep producers from flooding the market.

But the best regulator of the number of producers, even though it sometimes is cruel, is a free market.

The Farm Bureau Federation, which led the fight against the administration plan, aims for a gradual but definite return to a market economy for agricultural products. Interim measures are going to be needed to ease the transition. But both the farmers and the Nation will be better off if this week's vote, a staggering upset for Secretary Freeman, is taken as an indication that farmers have had their fill of playing junior partner to the Department of Agriculture. They are ready to cast aside their depression era crutches and learn once more to stand on their own feet.

[From the Chicago Tribune, May 23, 1963]

VICTORY FOR FARMERS; DEFEAT FOR KENNEDY

The Kennedy administration's farm policy has been dealt a crushing defeat by the landslide referendum vote of the wheat farmers against the plan to impose strict Federal controls on them in return for high prices. The extent of the defeat can be measured by the fact that not only did the administration's proposal fail to win the required two-thirds majority, but failed to gain even a simple majority. All the important wheat States rejected it and only 47.8 percent of the total vote favored it.

The results and the record outpouring of voters that produced them are clear indication that farmers overwhelmingly oppose the type of dictatorial management the administration sought to force on them. For this, they are to be congratulated and commended by taxpayers and consumers. The Kennedy plan would have made wheat farmers permanent fixtures on the Federal payroll. The vote showed farmers don't want it that way.

It took courage to vote "no," knowing it might mean only $1 a bushel for wheat, when a "yes" vote would have brought a guarantee of $2 a bushel. The big "no" vote should dispel any lingering doubts among those few city people who might regard farmers as a greedy lot willing to vote their pocketbook and exchange their freedom to farm for a check from the Federal Treasury.

As the only foe of the Kennedy plan among major farm groups, the American Farm Bureau Federation deserves much credit for its all-out fight against the price fixers and interventionists in and out of Government. Its president, Charles B. Shuman, can consider as an accolade the derisive nickname, "One-Buck Charley," which opponents hung on him. Only the Farm Bureau accurately gaged the mood of the farmers.

Having failed for 2 years to get its phony "supply management" policies through Congress, the administration's strategy was to put the issue directly up to farmers in the obvious belief they would accept it. It rigged the referendum for a "yes" vote by establishing an unreasonably wide disparity in the choice of prices, then proceeded to mount a propaganda campaign that was a scandalous waste of taxpayers' money and a shameful misuse of the administration's power and prestige.

But the administration misjudged the wheat farmers, just as it did the turkey growers last year when they soundly trounced a Federal control scheme in a referendum.

The responsibility of Congress is clear. It should enact new legislation, not to "bail out" farmers but to correct its own mistake. The legislation ought to provide protection against the economic hardship that might befall many if prices are allowed to drop to $1 a bushel and should have the ultimate objective of getting the Government out of farming. The Farm Bureau's proposal for such a program, long ignored by Democratic leaders, now deserves a fair hearing.

In the wake of the vote, President Kennedy, Secretary of Agriculture Freeman, and other administration leaders have reiterated that they won't support new legislation. Senator ELLENDER, Democrat, of Louisiana, chairman of the Senate Agriculture Committee, even carried his pique so far as to assert he will do all in his power to prevent a new law.

Congress should ignore such soreheads. It has a mandate from wheat farmers and should proceed to act on it.

[From the Baltimore Sun, May 23, 1963]

WHEAT VOTE

The administration's main argument for the wheat plan which the farmers voted down so decisively yesterday was this: that if farmers are to have high support prices (subsidies) they must accept rigid controls on the amount of wheat they produce.

This plan went all the way—without question the tightest scheme of control ever proposed for any farm product. It set up the Secretary of Agriculture as a czar of wheat production with power not only to determine wheat prices and acreage quotas for every

farmer, but the number of bushels per acre that could earn the support price. It meant a farm policing job of immense proportions—and in addition a system of policing processors and producers of wheat products to see that no bootleg wheat was slipping by.

The reasons for the vote against this plan were many:

Nearly all farmers are happy to accept a subsidy, but they were not willing to accept the detailed policing which is the logical complement.

It was widely supposed that a tightly regimented wheat production-supply scheme would be followed by extensions of the same idea to one commodity after another—dairy, livestock, poultry—with the ultimate result a whole agriculture dominated by Government.

There was a widespread revulsion in commercial farming areas against the tremendous campaign mounted by the Department of Agriculture to put this plan across—a plan involving parades, press kits, and TV time.

A good proportion of the "no" vote was undoubtedly cast by farmers with small acreage allotments who feed the grain on their own farm and never really enter the commercial market.

There were other objections, of a different order. The plan envisaged a permanent subsidy of export wheat. We have been subsidizing wheat exports for a long time, but such operations have not been acknowledged to be permanent. A permanent policy would array the other great wheat-exporting nations against us.

The plan proposed precisely what Secretary Freeman and others of this administration have been fighting against in the European nations. Its effect would have been to weaken our position in trade negotiations.

Finally, there is the argument that the alternative to Government regimentation is the discipline of the market—the mechanism of supply and demand—as the one sure method of regulating price and production that is consistent with some degree of freedom on the farms.

In essence, then, this is a vote for the return of wheat to the discipline of the market. Wheat has been out from under the discipline so long that most farmers have forgotten what it means. It means ugly surprises for many—for shortsighted producers who misjudge future demand, for inefficient producers, for producers of poor-quality wheat. And existing surpluses hang over the market.

So far as wheat production is concerned, farmers have been living ever since the war in a fool's paradise. A return to market discipline—it will not be a complete and immediate return, of course—will have some of the characteristics of a fool's hell. But the same could perhaps have been said for the plan the administration failed to put over.

[From the Wall Street Journal, May 23, 1963]

THE OPEN ROAD

It was assuming the proportions of a national political campaign, and in its way Tuesday's wheat referendum was almost as important. For the issues raised go beyond wheat and by implication even beyond agriculture.

The farmers were offered a choice between the strictest controls in history with high price supports on the one hand; on the other, greater freedom with much lower supports. Their rejection of the controls was overwhelming. The control proposal fell far short of the two-thirds majority required; indeed, the total vote against the plan exceeded that for it. It was the first defeat for controls in 13 such votes over the years.

But this referendum was different, not only in the toughness of the proffered regimentation. Rarely in the annals of a free Government has there been such Government pressure for control. The Agriculture Department for months has been sponsoring informational sessions, distributing millions of booklets, sending out radio and TV tapes—a propaganda activity so blatant it led to calls for Secretary Freeman's immediate resignation.

In all this was the pocketbook bait of prices propped at $2 a bushel and the threatened pocketbook bite of $1.25 wheat. Mr. Freeman went further, predicting a farm depression if the controls were rejected. President Kennedy warned the farmers there would be no other legislation to bail them out this year if they turned down the plan.

What will in fact happen is anybody's guess. But all this pressure only emphasizes what a chance the farmers took in voting for freedom. At the risk of immediate economic loss and political displeasure, they said in effect that the road of regimentation must end in economic stagnation and political serfdom. That is why the outcome is regarded as a possible turning point in agricultural policy.

There are, after all, two roads; the closed and the open. The inherent logic in the administration approach is this: Wheat surpluses have been growing for years because farmers have had the high-price-support incentive to grow as much as possible on their permitted acreage. The existing controls, in short, were not effectively controlling production.

Letting the farmers have it both ways made little economic sense, and was indeed an affront to the taxpayer and the housewife. So the Government decided that if the farmers were going to get high supports they were finally going to curtail production—or else.

Since this is the logic of the managed economy, it disquieted many people not directly concerned with agriculture. A Government so willing to rush to extreme controls, and to lobby so intensively for them, might sooner or later find other industries in which to apply its logic.

For the control approach refuses to admit the logic of the obvious alternative which is gradually to let market forces adjust the disproportion between supply and demand. And the adjustment, though complicated by decades of farm planning, need not be nearly as painful as the planners profess to believe.

One of the many distortions produced by that planning, for example, is an excessive output of low-quality wheat. As the American Farm Bureau Federation's Charles Shuman says, if the farmers will now improve quality they need not suffer a sharp drop in prices. That course would also imply lower total output which could greatly help smooth the adjustment without severe price dislocations.

Such are the objectives of any rational farm policy. The long years of subsidy and control have failed to achieve them and the farmers have emphatically said no to outright coercion; in Mr. Shuman's words they have clearly indicated they "favor a change in the direction of national farm policy."

Now that the long campaign is over and the vote decisive, the planners could hardly get better advice than the comment of House Democratic Leader ALBERT yesterday: "Farmers have made their choice, so let's try the open market for a while."

[From the New York Times]

NO CONTROLS ON WHEAT

The results of the wheat referendum settled one issue. Farmers have shown that they reject rigid controls over production even if they suffer no loss of income.

But that is all that the decisive turndown of the administration's program accomplished. The wheat glut will undoubtedly increase, as the President noted yesterday, because there will be no limit on the acreage that farmers can plant. Farm income will decline. The smaller and less efficient producers are bound to suffer the greater hardship. Furthermore, the lifting of production controls could mean new declines for livestock and other farm prices and threaten to disrupt agricultural exports.

Many of those who rejected controls are counting on Congress to come to the rescue by increasing price supports without curbing production. But giving temporary sops to the farmer would be as bad as doing nothing. Congress could follow a third course: enactment of a voluntary program of land retirement or diversion, aimed at cutting down on wheat production while maintaining farm income. Given the farmers' own vote against controls, the objective should be a return to a free market, but in an orderly fashion and one that provides for reduction of the wheat surplus.

Mr. HOLLAND. Mr. President, I do not believe we have reached the end of the road. Our problem now is to find how to accommodate a new approach through law to the expressed intent of many hundreds of thousands of very fine American citizens who make their living and have their investments in the field of the production of wheat.

I think there is much sound food for thought in the final sentence of the editorial in the Washington Post, which reads: "The Government will have to try again with a different combination of devices to keep output and demand in some kind of balance without catastrophic price declines."

SENATE BILL 1190, THE COTTON DOMESTIC ALLOTMENT ACT, SHOULD BE ENACTED

Mr. TALMADGE. Mr. President, the existing Federal cotton program—when studied in the cold light of present-day economics and commonsense—is so utterly foolish and financially disastrous as to defy the imagination.

Any reasonable appraisal of the program can lead to only one conclusion:

The program is an abject failure.

Its injustice to the cotton grower is incredible.

Its effect on the textile manufacturing industry is devastating.

Its cost to the American people is such that—if the facts were fully known and understood—it would cause a great public outcry.

I submit, Mr. President, that unless this ill-conceived program is abandoned, we will see the end of cotton in the United States.

Although cottongrowers and the textile industry, with its hundreds of thousands of employees, already are staggering under this ruinous program, there is still time to save cotton.

If the facts are faced and if bold and positive action is taken by the Congress, this vitally important segment of the national economy can be revitalized and put back on the road to recovery.

Mr. President, the American public is entitled to know the truth about the miserable plight of cotton.

The people should know the facts about a cotton program which costs them approximately $1 billion a year—including some $600 million in price-support payments, over and above the world

price. And this is not including almost $2 billion in tax funds tied up in the more than 10 million bales of cotton in Government storage.

What we have, Mr. President is a costly and unsound cotton program which benefits only a few, at the expense of a great many.

It is a program which doles out pittances to the needy and makes gifts of millions of dollars to those who do not need Government aid.

It is a program which is driving the small and the medium-sized cotton-grower off his farm.

It is a program which is closing hundreds of textile mills and is throwing hundreds of thousands of workers into the ranks of the unemployed.

It is a program which is causing cotton acreage in the United States to shrink, while encouraging foreign production.

The purpose of any farm program is to help the farmer, to guarantee him a profitable position in the competitive, free enterprise economy of this country.

Let us see, Mr. President, what the Federal cotton program accomplishes to achieve this desired aim. Let us see how it helps the farmer.

According to the latest figures available, in 1961, more than $600 million in public subsidies were distributed among cottongrowers. How was this public money distributed? Three hundred and twenty-two growers averaged $113,000 in support payments, while 650,000 small farmers received $63 on the average.

To break the figures down even further: Approximately 280,000 small farmers received an average subsidy of $142, while 13 large growers received an average of $649,753 for their cotton.

This can be expressed another way: Only 3 percent of our cotton farmers produce 56 percent of the national crop and receive 56 percent of the support payments.

Thus, hundreds of thousands of small farmers, struggling for a bare existence, are given little, if any, incentive to grow cotton. Conversely, a few hundred growers, receiving handsome subsidies whether they need it or not, find cotton farming profitable indeed.

The existing cotton program is highly popular with large growers. In 1961, 99 percent with 200 or more acre allotments, planted their acreage. On the other hand, more than 50 percent of the farmers with allotments under 10 acres planted no cotton.

Mr. President, if the aim of the Government is to help small farmers, the cotton program is failing miserably.

It is likewise a failure if the cotton program is meant to aid the textile industry. It is ironic that the Government would spend $450 million for public works to stimulate the economy, and at the same time force the country to pay out $600 million in a cotton subsidy program which is wrecking cotton production and the textile industry, the Nation's second largest employer.

The cotton situation has become so critical that it demands a fresh and sensible approach.

My proposal for cotton legislation, the Cotton Domestic Allotment Act, in which the distinguished majority whip joined in sponsoring, is the least expensive, the most workable and the simplest solution to this complex problem.

My bill is designed to meet the needs of the small and medium cotton growers, to insure them their fair share of the national income and to put cotton back on a free enterprise basis.

It would eliminate the inequitable two-price cotton system and allow our mills to once again buy cotton at the same prices foreign mills pay.

The Federal Government would be taken out of the business of buying, storing, transporting, selling and giving away cotton which is done at great cost to the taxpayers.

Farmers would be free to farm as they please. Small growers would be insured a decent income while the large farmers could produce as much cotton as they wished for the world market without Government restrictions.

Under my compensatory direct payment plan, the largest supports would go to the small farmers, who need it the most, with lower price supports paid large growers.

Mr. President, the present situation must be corrected without further delay. The existing cotton program is in such a shambles that it cannot be built upon, added to, or even slightly modified. It must be relegated to the scrap heap.

Any approach to cotton legislation which fails to fill the needs of the farmer and textile employees and manufacturers will serve only to perpetuate what we all know to be a mess and will result in a dismal end for cotton.

Mr. President, I yield the floor.

THE RINGING GROOVES OF CHANGE

Mr. McINTYRE. Mr. President, I come from a State where proposals for social and economic progress are weighed carefully against all the alternatives and where novelty alone is not a guarantee of acceptance. But in New Hampshire, as should be true for the Nation as a whole, real progress in treating social and economic conditions is our fixed goal.

I have become increasingly concerned about the rightwing efforts to peddle naive oversimplifications which depend upon old ideas. I detect in the noisy, disruptive activities of the superpatriotic rightwing a pathetic nostalgia for outmoded ideas that were not even adequate to their own day, much less to ours. An editorial in today's Wall Street Journal points to the ever-increasing complexity of our society. It has been observed that nine-tenths of all the scientists who ever lived are now alive. We have become involved in many crises overseas that may not be of our own making but which must be resolved if we are to move toward a stable world order.

The point of the editorial, Mr. President, is not that we are helplessly borne along on the streams of history. It is that to progress, we must above all be realists who understand the forces we seek to master. The true conservative is the enemy of dogma and the friend of timely reform. Yankee caution is not inconsistent with his outlook, and neither is imaginative foresight into what the future may bring. Success for our generation, Mr. President, requires that we see old problems in the light of new conditions. This point of view is well expressed in this morning's editorial and I ask unanimous consent that it appear in the RECORD at this point in my remarks.

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

MUTATIONS OF THE MIND

In these days of space exploration, nuclear threats and a crowded competitive daily life, Americans may feel a sense of loss which is more than a yearning for some vague good old days. Look at pictures of the bright faces of African tribal youngsters or the serene countenance of a peasant in a Southern European vineyard, and it is possible to feel that what is being lost is a capacity for simple happiness.

If we analyzed it, we would realize that both tribesman and peasant have their social and economic difficulties, and are not free of terrors of their own background's devising. Yet it remains true that as our sophisticated society advances apace, it spawns its special penalties.

Ours is preeminently, and increasingly, an intellectual society. We have no philosophers to match the Greeks', but we have something else—knowledge spread among almost all the people in the Nation. Not only that, but knowledge as an ever more insistent requirement for making a living, let alone getting ahead. It takes brains to develop spacecraft and to fly them, as Major Cooper did, into the fire of ultimate danger; it also takes brains to make steel, work a farm and do many other things once dominated by sheer physical labor. This is becoming true not only of America but of the whole Western world and, generally, of Russia as well.

The more intellectual the people as a whole become, the faster and more ramified the progression. Already we accept space probes as fact instead of fantasy and anticipate rapid new technological changes in the terrestrial economy. The turn to the mind is so fast we may not recognize our grandchildren, or at least not be able to communicate with them.

So swift an evolution must bring some disorientation. More than ever, the infinity of space now intensifies doubts about the relation of a man and universe and hence about the traditional values of human civilization. To this is added the uneasiness about the nuclear weapons the same search for knowledge has created. Even when these thoughts do not intrude, the motions of daily life and dealing with people, the issues of politics, the frustrations of small wars, seem somehow more complicated because in fact they are.

In short, many a man can wonder, even in a comfortable and established community, whether knowledge is uprooting him as an individual and whether his whole environment is heading toward annihilation or transformation in the vast reaches of the unknown. If all this has contributed its share to mental illness, family breakdowns and other disorders, it is hardly surprising. In such a society happiness cannot be a primary goal.

Still, though the mind cannot revert to a lost innocence, the condition can be kept in balance. The degree of intellectuality which this society has attained is what the primitive tribesman and peasant, even if they can't rationalize it, aspire to, as peoples always have. Whether they understand the process, they can see the results.

We here have fared well indeed. That circumstance is the product of the mind, but also of man's drives for profit and self-improvement, permitted to flourish and feed upon themselves and each other in an atmosphere of political and economic liberty.

The unfortunate and the dispossessd in our midst are emphatically the minority, and it is often forgotten that this was never true of any society before. The majority are materially well off and their futures protected as best as can be, and as never before, by the proliferation of pension and health plans—the private welfare state, if you will.

With this unprecedented diffusion of material well-being has come the burgeoning of cultural and intellectual pursuits on a scale impossible in a subsistence economy. Whatever the threats of the future or the attractions of an irretrievable past, we have gained greatly in human comprehension and compassion.

And if the rushing flood of our collective knowledge inevitably does carry its risks, then it must finally be asked how else it could be with man. The mind that devised the atomic bomb is the same mind that seeks the stars and spreads wealth on earth; the bomb's discovery could hardly have been prevented unless it had been possible to stop the unquenchable quest for knowledge in every direction.

Would we, if we could, put back the atomic genie, knowing that out of the same bottle came the prosaic dishwasher and the soaring achievement of *Faith 7*? And would we, if we could, return to a placid primitivism, never to thrill to an astronaut's flight or share with him the incomparable excitement of breaking through the door of heavenly knowledge?

Man was not born with immutable limits but has been evolving always. Certainly mutation toward increasing intellectuality is preferable to an animalistic degeneration or an evolution frozen in the mentality of Neanderthal man. Philosophers of old would say this kind of evolution is on the track of realizing man's highest potentialities, and out of it might come, not disaster, but manageable mastery of the problems that plague us.

Wherever it leads, it is far more to be valued than the happiness of an illusory simplicity.

RUSSIAN OIL EXPORTS

Mr. SCOTT. Mr. President, in the April issue of Petroleum Press Service it was reported that Soviet bloc countries shipments of crude oil and products to other countries—including Cuba—went up from 30.7 million metric tons in 1961 to an estimated 33 million tons in 1962—an increase of about 2¼ million tons or about 7 percent.

The publication which points out that this is not a sizable increase also recognizes that the Russians have not given up their longtime aim of capturing a much larger part of the free world's oil markets.

Why then such a slight increase last year? There are indications that an increase of exports last year was inhibited by a number of adverse factors and I here quote the Petroleum Press Service:

> There are strong indications that the construction of new facilities in the U.S.S.R. for the refining and handling and, above all, for the transportation of oil has recently been lagging.

And how do the Russians hope to overcome this bottleneck? "By the commissioning of new oil pipelines, some of which have been expressly designed for export purposes." At this point, Mr. President, I ask that the Petroleum Press Service April issue be made part of the RECORD.

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

RUSSIAN EXPORTS LOSE MOMENTUM

(EDITOR'S NOTE.—After rising annually for many years by around one-third or more, last year oil exports from the Soviet bloc staged a much more modest increase, of slightly more than 2 million metric tons or 7 percent, reaching about 33 million tons. The expansion of Soviet oil exports now appears to be hampered by internal difficulties, notably in the sphere of transportation, while further encroachments of the free world's markets are encountering stiffer resistance than before. But there is no indication that the Russians have yet given up their long-term aim of capturing a much larger part of these markets, or that their oil reserves, if properly developed, will be insufficient for this purpose.)

The contention previously made in these columns that the expansion of the Soviet bloc's oil exports is losing momentum, is supported by new statistical evidence. The bloc's shipments of crude and products to other countries (including Cuba) went up from 30.7 million metric tons in 1961 to an estimated 33 million tons in 1962—an increase of only about 2¼ million tons or about 7 percent. In each of the preceding 3 years, the rise was of the order of 6 or 7 million tons, and the average annual compound rate of increase for these years was as high as 36 percent. Crude oil production in the Soviet bloc rose last year by 11 percent, reaching 206 million tons, so that for the first time in many years, the proportion of the Soviet bloc's output earmarked for exports has somewhat declined. At the same time, the share of the Soviet bloc's deliveries in the rising supplies of the free world has remained virtually unchanged at about 3 percent.

As always, the great bulk of the Communist countries' exports in 1962—say, around 30 million tons—came from the U.S.S.R. itself, and most of the remainder from Rumania. Shipments from Russian and Rumanian Black Sea ports totaled about 27 million tons but other trade routes, including those via the Baltic, have gained in prominence, and they will become still more prominent in 2 or 3 years, after the completion of the various current pipeline projects in the U.S.S.R. and Eastern Europe. More than half the oil last year—about 18 million tons—was exported as crude, with black oils accounting for most of the balance.

The Soviet bloc's export trade as a whole is subject to complex and divergent influences. Oil is undoubtedly one of their most convenient levers in international trade, and there is nothing to indicate that the Russians have given up their long-term aim of capturing a much larger part of the free world's oil markets, or that their oil reserves, if properly developed, will be insufficient for this purpose. But expansion was last year inhibited by a number of adverse factors which are described below and, as far as can be seen, these factors will remain in force for some time to come. All the recently concluded trade agreements point to the probability of a comparatively modest expansion of Soviet oil trade in the immediate future, and this evidence is reinforced by the recent report that Sojuznefteexport, the Soviet's oil export concern, does not appear to be seeking any further substantial orders for the current year. Also, in February, Russian oil deliveries to Egypt and Iceland appear to have been below the agreed level.

There are strong indications that the construction of new facilities in the U.S.S.R. for the refining and handling and, above all (for the transportation) of oil has recently been lagging. It is true that Russian crude oil production is nevertheless growing at an impressive rate, but most of this is needed to satisfy the rising demand within the Soviet bloc. The Russian Transport Minister indicated a short while ago that the already overburdened railways have to carry a growing load of mineral oils every year. Eventually, it is hoped that the transport bottleneck will be lessened by the commissioning of our new oil pipelines, some of which have been expressly designed for export purposes. But, in general, the construction of gas pipelines is given a higher priority in the allocation of scarce steel resources, and the steel scarcity may be further aggravated by the recent NATO resolution urging members to discontinue the supply of large-diameter pipe.

The rapid expansion of the Soviet bloc's oil exports up to 1961 was partly due to price-cutting and other aggressive trading tactics. But more recently, the Russians have tended to ask for somewhat higher prices, and trading with them has become correspondingly less attractive for their actual or potential partners. This hardening of prices presumably reflects the fact that the Russians are now seeking new outlets for a smaller volume of oil than previously, but the Russians may also have learned from experience that to charge very low prices for a major export is not to their advantage. Oil exports from Eastern to Western Europe in 1957 accounted for about 13 percent of the value of all exports, and the subsequent sharp rise in oil exports (even allowing for a higher proportion of crude) should normally have resulted in a significant rise in their relative share of total value in the following years; but it is interesting that, according to the United Nations Economic Commission for Europe, the share in 1960 and 1961 was still only about 13 percent, the effect of the higher volume having been offset by the drop in prices.

Except for a relatively small Soviet-owned distributing company in Finland, the Communist countries have no oil-trading facilities of their own in the free world. They nevertheless found it comparatively easy in the early stages of their postwar trading offensive to obtain substantial footholds in various countries, mainly by making suitable arrangements with independents and, in some cases, with state oil entities. However, most distributors in the free world have no reason to switch over to the distribution of Soviet bloc oil and, as time goes on, the Communist oil exporters will naturally encounter greater obstacles in their attempts to increase their market share. On the other hand, even without price cutting, the Russians and other Communist governments are able at times to make tempting offers, notably by coupling the oil sale proposals with offers to buy industrial goods. And, if everything else fails, the Communists may still decide, in the case of certain outlets, to accept the heavy but necessary financial burden involved in building up their own distributing facilities.

Excluding the special case of Cuba, the Soviet bloc's exports last year are assessed at 28.7 million tons, of which nearly nine-tenths went either to European countries or to Japan. The foremost purpose of this trade, from the Communists' point of view, is to facilitate imports of industrial goods, either through direct barter arrangements or otherwise. As the following table shows, Soviet bloc oil is now being regularly exported to a great variety of countries in the free world but the nine largest buyers include only two—Egypt and Greece—who have no industrial goods to offer in exchange.

Estimated Soviet bloc exports to rest of world

[Thousand metric tons]

	1958	1959	1960	1961	1962	Percent change, 1961–62
Italy	1,180	3,150	4,840	6,425	7,315	+13.8
Western Germany	1,100	2,160	2,900	3,895	4,175	+7.2
Sweden	930	1,510	2,030	2,590	2,865	+10.6
Finland	1,360	2,070	2,300	2,300	2,795	+21.5
Austria	380	900	1,100	1,035	1,155	+11.6
France	1,020	1,190	1,160	935	1,125	+9.7
Greece	430	490	1,040	1,135	980	−13.7
Belgium	90	390	290	300	360	+20.0
Yugoslavia	470	510	520	155	295	+90.0
Norway	200	410	350	270	280	+3.7
United Kingdom	40	110	240	160	255	+59.6
Iceland	330	370	340	330	250	−24.3
Denmark	50	110	160	260	230	−11.5
Switzerland	30	80	70	80	140	+75.0
Spain					40	
Netherlands	100	70	50	20	10	−50.0
Turkey			10	50	5	−90.0
Portugal	50	20	50			
Total, Europe	7,760	13,540	17,450	19,940	22,275	+11.7
Japan	10	130	1,400	3,040	3,000	−1.3
Egypt	2,290	2,180	1,520	2,195	1,610	−26.7
India		30	20	175	450	+158.0
Brazil		60	160	500	275	−45.0
Morocco	30	60	40	120	195	+62.5
Syria	270	490	270	190	195	+2.6
Ceylon					180	
Guinea/Mali			30	90	135	+50.0
Afghanistan	40	50	50	70	70	
Tunisia	20	10	10	45	55	+22.2
Algeria	40	25	60	55	40	−27.3
Sudan					15	
Ghana					10	
South Africa					5	
Lebanon		70	90	100		
Uruguay	220	500	70	25		
Argentina	1,040	500	10			
Antarctica and other	30	155	160	160	170	+6.2
Total, other free world	3,990	4,260	3,890	6,765	6,405	5.0
Cuba			2,160	4,030	4,300	8.7
Grand total	11,750	17,800	23,500	30,735	32,980	+7.3

It is perhaps significant that in both these cases there was last year a sharp drop in the Soviet bloc's oil deliveries.

Contrary to expectations the Soviet bloc's deliveries to the European Economic Community showed a further rise, from 11.6 million tons in 1961 to 13 million in 1962, or by about 12 percent. Italy alone took 7.3 million tons which covered 16 percent of her total oil imports, and made her once again by far the free world's largest purchaser of Soviet bloc oil. Western Germany takes second place among the importing countries of the free world but her imports of 4.2 million tons from a variety of Communist sources (including Eastern Germany) were just within the limit of 10 percent of total oil imports which has now been accepted by all EEC countries, other than Italy, as the permissible upper limit. In France and Belgium, imports from the Communist world covered about 3 percent of all oil imports but in the Netherlands they have so far been negligible. ENI, the main Italian purchaser of Russian crude, will conceivably be rather more reticent in future, in view of its new contract with Jersey Standard.

There was also a substantial increase in exports to Scandinavia, from 5.8 to 6.4 million tons or by 11½ percent, and there are indications that this area remains a foremost target for Soviet-bloc oil. Not only have the Russians recently resumed the construction of pipelines to the Baltic in order to facilitate their supplies to northern Europe, but Mr. Khrushchev has now proposed that oil and gas pipelines be laid directly into Finland. The Russians already dominate the Finnish and Icelandic markets and provide about one-fifth of the large Swedish requirements. It is thought possible, moreover, that they will shortly propose an increase in their deliveries to Sweden, as a quid pro quo to shipbuilding orders recently placed in that country. In Norway and Denmark, the Russians have so far only been moderately successful but they now seem to be determined to improve their position in the Danish market, possibly by constructing their own storage installations.

The other main importers of Soviet-bloc oil in Europe are Austria and Greece. In Austria, supplies from various Communist countries account for about half the rising imports but this proportion may be expected to decline after the construction of the projected pipeline from the Adriatic. As already indicated, the trade with Greece is relatively unattractive for the Russians but the recent cut in their deliveries seems also to have been staged partly for political reasons, as a move in the campaign against Greece's association with the Common Market. There are smaller deliveries of Soviet-bloc oil to most of the remaining European countries. Indeed, some oil is now going to Spain where a barter arrangement involving the exchange of textile fibers for Soviet oil has been concluded. Renewed efforts have recently been made, moreover, to increase Russian deliveries to the United Kingdom, again under barter arrangements.

Japan started taking large quantities of Russian oil (mainly crude) during 1960 and has since become the free world's third largest importer of such oil, but the hope previously entertained by the Russians that they might push these deliveries up to some 10 million tons annually seems to be wide of the mark, at any rate as far as the foreseeable future is concerned. Last year's deliveries totaled 3 million tons—the same as in 1961 and 400,000 tons less than had been foreseen in the trade agreement—and it is shown in a separate article on page 144 that a recently concluded new agreement envisages a relatively modest further increase, to 4 million tons by 1965. The tentative Russian proposal for the construction of an export pipeline to the Pacific, using Japanese steel, has found little favor in Japan.

The Communists' exports to the underdeveloped part of the free world deserve attention both because of their economic significance and because of their political implications. However, the quantities of oil entering this trade are relatively small, amounting last year to somewhat over 3 million tons, of which half went to Egypt. Highlights of last year's trade were the start of deliveries to Ceylon, Sudan and Ghana, and the sharp rise in deliveries to India. In the Western Hemisphere, apart from Cuba, Brazil is now the only importer of Soviet-bloc oil.

Some of the drawbacks of the trade with the Communists were demonstrated last month when Russian coal deliveries to France were suddenly stopped, ostensibly because Russian dockworkers refused to load ships during the strike of French mineworkers. In some quarters, this action was regarded as a thinly disguised embargo, staged by the Russian authorities in order to gain the political sympathies of the strikers, and possibly to add to the economic difficulties of France. The action is on par with the sudden stoppage of all Russian oil deliveries to Israel during the Suez crisis in 1956, and the recent less flagrant cut in Russian oil deliveries to Greece. Trading with the Soviet bloc has its attractions to countries seeking to expand their exports in a highly competitive world, but in current international political conditions, it makes little sense for any country in the free world to depend on the Communists for more than a relatively small proportion of their requirements of fuel and other basic supplies.

Mr. SCOTT. Mr. President, with these facts in mind, it is important to call attention to some trade negotiations presently being carried on by our British cousins.

Briefly, the case history of these negotiations is as follows: The Soviets had placed orders for 163,000 tons of steel pipe with three Ruhr—German—steel companies. At a meeting of the North Atlantic Treaty Organization held last October, the Atlantic Council recommended that all Alliance members refuse Soviet orders for such pipe. The German Government although under heavy domestic fire, forced the three companies holding the orders to cancel the already signed contracts. The Bonn government is to be complimented for this action. It was in accord with the NATO unanimous vote to place an embargo on these pipes.

Now the British threaten the solidarity of NATO at a very sensitive point by taking the position that the NATO vote was not binding. It is now reported that the South Durham Steel Co. of England is on the verge of agreeing to supply this pipe.

Mr. President, American industry and the American people have supported our Government's position on the embargo of goods to the Soviet Union and Soviet bloc countries. I am sure American industries would like to find an outlet for such a sizable order as here discussed.

The filling of orders such as this in my mind undoubtedly strengthens the Soviet in the cold war. In particular, there is substantial feeling in the trade community that the Soviets believe their trade expansion program will pay off with the tapering off of the Western

European business boom. It is not extreme to think that the Soviet not only will use their new trade offensive to build up their own internal strength but to divide the West which is still shocked by France's veto of Britain's entry into the Common Market and attempt to create a Western dependency on Soviet trade.

I am not advocating here, Mr. President, that the United States should for all time turn its head away from the possibility of expanding our trade with the Soviets. If the atmosphere of the cold war should change; if the Soviets historical designs of world domination should show change with deeds rather than talk, then surely the United States in fairness to its industries, should reevaluate its trade relationship with them. But until that day arrives I endorse the policy of trade limitation with Iron Curtain countries.

Considering the position taken by the United States and in this instance endorsed by the Federal Republic of Germany, I consider it most disturbing and ill advised for the British to take an opposite position. Especially in face of the NATO Council resolution banning the sale by member nations of such pipe to the Soviets.

This matter is not merely a matter of dispute between the British and German Governments but an essential link in the economic alliance against a Soviet buildup. If there is a weak link in the chain, the other links will be weakened.

The NATO Council is presently meeting in Ottawa and I feel that it is essential for our representatives to raise this matter as a vital point in the discussions.

Last night in a speech before a dinner meeting of the Pilgrims of the United States, the British Ambassador, Sir David Ormsby Gore, urged that Britain and the United States make new efforts to revive unity among Western democracies. He further said "that the two countries should consider whether new initiatives may not be necessary to bind together the democracies in common endeavor." I heartily commend the Ambassador's position and call upon the British to present a common front on this embargo.

OPPOSITION TO SOFTENING OF U.S. POLICY TOWARD RED HUNGARY

Mr. SCOTT. Mr. President, last week many Members of the Senate received a State Department memorandum which clearly implies a softening of the U.S. Government's policy toward the brutal regime of Janos Kadar in Hungary.

This memorandum, which purports to show a shift toward moderation in Hungary, gives substance to the persistent and disturbing reports of possible reestablishment of normal diplomatic relations between our country and the butchers of Budapest, and withdrawal of U.S. opposition to seating Hungarian representatives in the United Nations.

I am unalterably opposed to such a cynical change in established policy.

Are our memories so short, our beliefs in liberty and human dignity so weak, that we are now going to reward rather than condemn the suppression of basic human rights? I cannot believe it, and I would suggest that those who do would do well to recall some words of the President during the 1960 campaign. He said at that time:

> We will never surrender positions which are essential to the defense of freedom, nor will we abandon people who are now behind the Iron Curtain through any formal approval of the status quo.

The President's words applied then, and they apply now. As I have repeatedly done in the past, I again urge the State Department to instruct our U.N. delegation to oppose any move to seat representatives of the Kadar government in the United Nations.

We cannot keep alive the flame of freedom for which thousands of Hungarian revolutionaries gave their lives by legitimizing those who would put it out forever.

SMALL BUSINESS ADMINISTRATION LOAN PROGRAM

Mr. SMATHERS. Mr. President, because it is not the best known of the Federal administrative agencies, the Small Business Administration, sometimes finds itself misrepresented. SBA has been accused of setting size standards which result in most of its loans going to the big firms, of competing with banks and enmeshing its loan procedures in so much redtape as to discourage borrowing.

To anyone familiar with the character and record of the SBA's present Administrator, John E. Horne, these charges are preposterous. But, busy with their own problems, the best witnesses, SBA's borrowers, for the most part, are silent. The charges therefore go mostly unanswered and in some few industries are credited, though happily not in most.

In motor freight transport, there is a thorough understanding of the SBA lending program and this is fortunate, for, though including some very large carriers with yearly revenues exceeding $100 million, this industry, in the main, by SBA's very reasonable standard of a ceiling of gross yearly revenues of $3 million for smallness, consists of small firms.

By law, SBA may make these small carriers long-term loans secured by chattel mortgages and with bank participation; a plan developed by Administrator Horne under which SBA defers repayment of its portion to encourage banks to take part. But if, as charged, the program discourages such borrowing, then the motor freight industry can become dominated by bigger firms to the injury of its own and the Nation's economy and the frustration of the congressional intention. If the program is misunderstood, the result can be equally bad.

This industry's weekly newspaper, Transport Topics, founded nearly 30 years ago by Morris Glazer, its present editor emeritus, owes it wide circulation and high esteem to his policy of presenting the news without fear or favor in furtherance of healthy competition. Aware of the importance to the industry of the SBA loan program, Mr. Glazer, through his weekly column, has closely followed its course.

Becoming aware of the charges against the program, Mr. Glazer, through the American Trucking Associations, publisher of Transport Topics, set out to get the facts through a questionnaire mailed to the best-qualified witnesses, 20 of the most recent borrowers. Mr. President, I ask unanimous consent that two articles by Mr. Glazer from the issues of Transport Topics of April 22 and April 29, in which he analyzes the results be inserted in the RECORD at this point of my remarks.

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

[From Transport Topics, Apr. 22, 1963]

SBA LOAN PROGRAM—TRANSPORT TOPICS SURVEYS TRUCKING BORROWERS TO GET VIEWS FOR BENEFIT OF OTHERS

(By Morris H. Glazer)

(EDITOR'S NOTE.—This is the first of two articles on the lending program of the Small Business Administration as related to motor carriers.)

Transport Topics surveyed a group of motor carriers who recently obtained loans through the Small Business Administration. The purpose was to ascertain what their experiences were with a view to providing helpful information for other carriers who may want to apply for loans.

Borrowers were asked these questions: How did you learn of the SBA program? How long after applying did you receive the loan? What is the interest rate, the maturity, the security? Did a bank participate? Was a substantial part of the loan applied to fleet, terminal or warehouse modernization or expansion? Has the investment increased the quality of your service, tonnage, earnings? Have you added any employees because of the loan? What advice would you give a fellow carrier in your position who may want to qualify for an SBA loan?

SBA will make a loan only when two banks—one in small communities—have declined it. This is to preclude SBA from competing with commercial banks. Because of the fact that some banks have refused motor carrier applicants a rumor has developed that SBA borrowers, by banking standards, lack credit-worthiness. This is not the case. SBA borrowers, particularly motor carriers, who want credit for modernization and expansion, need loans in larger amounts and for longer terms than commercial banks usually are able to extend. SBA business loans can be approved for as long as 10 years and, if a bank wants to participate, SBA, by law, must allow it to do so.

LOAN LIMIT $350,000

Through SBA, independent motor carriers not dominant in their field and with gross yearly revenue not exceeding $3 million may obtain loans up to $350,000 for modernization, expansion and working capital. The carrier's local bank may take a percentage of the loan, which portion may mature prior to the SBA portion.

SBA has developed four different plans for business loans, all designed to encourage a maximum of bank participation. The program of bank participation has been indorsed by the American Bankers Association.

Of the respondents to the questionnaire, half were charged the regular interest rate of 5½ percent, while the other half were charged 4 percent, the rate in effect in areas of high unemployment designated for redevelopment. More than 900 of these areas of comparative economic stagnation have been designated for Government assistance

in establishing or expanding industry to generate new employment, and the 4-percent interest rate is intended to further the attainment of that goal.

The processing of an SBA loan takes time. The average elapsed time from filing of the application to granting of the loan for the carriers responding to the questionnaire was about 4 months, and the average term of the loans is 6½ years.

While most of the carriers were pleased with their SBA borrowing, one at least was unhappy because he received less money than he applied for. SBA never gives an applicant more money than it thinks he needs, nor more than its judgment of sound fiscal management dictates.

ONE CARRIER'S EXPERIENCE

The reply of a carrier in Oregon illustrates the problems involved in SBA borrowing. He stated:

"Originally, two chain banks would not participate in our first application for $100,000 for the construction of a new warehouse. The filing entailed a great deal of expense for an accountant to assist in preparing the application. Legal fees to complete the loan requirements after approval were quite high.

"It was found, because of the delay in approval—11 months—that this loan would not meet our requirements. Subsequently, an application for an entirely new loan of $120,000 was filed through a bank which participated to the extent of $10,000. The loan went through in 2 months and the costs of preparation and legal fees were practically nil. The old loan was paid off through proceeds of the new loan.

"My advice to any applicant would be that a bank participate to keep the loan on a local level and to accelerate the application. In our case, a new warehouse was desperately needed and the banks were not interested in completely financing such a project over a 5-year period.

"This loan has enabled us to bring a modern, fireproof warehouse to this area, which was not possible without the SBA program."

Carriers interested in the SBA program may want to hear C. R. Lanman, chief loan officer of the Small Business Administration, who addresses a meeting of the National Accounting and Finance Council of ATA at the Statler-Hilton Hotel, Washington, D.C., May 15.

[From Transport Topics, Apr. 29, 1963]

SBA LOAN PROGRAM—MOTOR CARRIERS GIVE ADVICE ON HOW TO QUALIFY AS BORROWER

(By Morris H. Glazer)

(EDITOR'S NOTE.—This is the second of two articles on the lending program of the Small Business Administration as related to motor carriers.)

The SBA loan is the answer to trucking company financing—independent carriers with gross yearly revenue not exceeding $3 million. This is the opinion of Lawrence A. Couch, president and general manager of C. K. M. Transportation Co., Inc., Montebello, Calif., who answered a questionnaire disseminated among SBA borrowers to learn of their experiences and what they think of the lending program.

"We believe the SBA loan is one way to combat the ever-present hazards of the industry—lack of capital to support the rapid growth and expansion, coupled with intensive competition, rising wage scales and narrowing profit margins," replied Mr. Couch.

Among advantages, he listed lower interest rates, longer term financing with lower payments in paying off the debt. All of these things allow growth and stability at the same time, he added.

The company is 9 years old, having been organized in 1954 with four 3-axle diesel tractors and four 35-foot semitrailers. Today it operates 25 diesel power units and 30 flat-bed semitrailers, and expects a gross revenue of $500,000 this year. As a result of the SBA loan, it increased its tonnage by 55 percent, its earnings by 23 percent, and added five employes. The loan, $85,000 granted in 1960, provided funds for the down payment on land held on a 5-year lease option, permitted the construction of a maintenance repair shop, the purchase of additional power and trailer units, allowed the consolidation of equipment obligations, and lowered monthly payments and interest rates. A subsequent loan of $115,000 was granted, in 1962. This paid off the remaining part of the first loan, provided funds for the purchase of additional equipment and a portion for operating capital.

COMPLETENESS IS ESSENTIAL

In his desire to help other motor carriers who may be in need of funds, Mr. Couch offers the following advice:

1. Have application prepared by a good accountant, preferably a CPA, one who knows you and the trucking business.

2. Submit comparative statements for 5 years of operation. Be sure they are accurate and reflect the true condition of the company. Be prepared to furnish a certified audit, if required.

3. Anticipate future needs; plan and make application when profit picture and growth potentials are good. Don't wait until the company is in trouble and showing a loss.

4. Be prepared to discuss the following items honestly and intelligently: Reasons for making the loan; the history of the company, its operation, growth, management, etc.; future plans and aims of the company; how the SBA loan would benefit the company; repayment ability.

Mr. Couch added that he had found the SBA to be very cooperative and that "any request we have made has been granted; they do not try to interfere in any way with your business."

CARRIERS' COMMENTS

Other motor carriers offered these comments in reply to the question: What advice would you give a fellow carrier in your position who may want to qualify for an SBA loan?

Get a qualified person to aid in filing the application. Detailed information is important. Work closely with SBA advisers. As a general rule, they are very helpful.

Have a good set of books to substantiate a true financial statement.

Suggest application be made through a bank that would be willing to participate in the loan. This reduces the expense of the application and speeds processing.

Have accurate accounting records. Make a plan for repayment, showing effect of cash flow. Don't withhold any pertinent information. Be realistic in your request. Work closely with your local banker.

Go to your local banker and ask him to participate. This makes it easier to obtain the loan.

Would suggest that terminal and equipment loans be separated on different applications so as to expedite processing.

Analyze the needs of the company. Know what you want, where you want to go, and how you are going to get there. Be sure the books of the company are accurate and reflect the true condition of the company. A certified appraisal is not absolutely necessary, but it will give the applicant material with which he can work and be certain he is correct.

Mr. SMATHERS. Mr. President, a thoughtful reading of these articles can leave no doubt that the SBA loan program, in motor freight transport, is fostering its smaller carriers and promoting competition. Had there been any basis for the sweeping criticisms, the incisive questions would have brought it out.

While, as Mr. Glazer reports, one or two borrowers were unhappy, most were pleased by their experience. The average loan took 4 months to process, certainly not an unreasonable time considering the safeguards required on these public moneys. Of two respondents whose loans were discussed in detail, one received $120,000; the other $85,000, certainly in this industry not big business loans.

As responses indicate, SBA-bank cooperation is excellent; the American Bankers Association has endorsed the SBA deferred participation plan, as Mr. Glazer says. One might wish that one or two sets of answers, for example, those disclosing the number of bank participations, might have been tabulated, but Mr. Glazer obviously had space limitations.

Here, through his cooperation, are some tabulations he lacked the space to treat.

To the question, "Did a bank participate?" all but four responses were affirmative.

To the question: "Was a substantial part of your loan applied to fleet, terminal, or warehouse modernization or expansion?" all but three respondents answered "Yes."

To the question: "Has the investment increased the quality of your service, tonnage, earnings?" the recentness of the loans precluded many definite answers but of those that did reply most expected gains.

Mr. Glazer deserves praise for his enterprise in undertaking this fact-finding study of the effect of the SBA loans on the motor carrier industry and the SBA a compliment for the outcome. Those in and out of Congress who know of Administrator Horne's devotion to his duty and to the welfare of small business will, I am sure, share my confidence that were similar questionnaires conducted in other industries, the responses would be equally good.

WHEAT REFERENDUM VOTE

Mr. ALLOTT. Mr. President, on May 21, the wheat farmers of this Nation spoke—in a loud and clear voice—and I want to take this opportunity to pay tribute to them for what they said.

By an overwhelming vote, they said they did not want to be led further down the road to a completely regimented agriculture. They said they did not want the bureaucrats in Washington to do their farming for them, they wanted to do it themselves. They said they could not be lured into accepting a basically unsound program by "sweeteners" consisting of high price supports and compensatory payments. They said they would not be intimidated by threats of curtailed credit.

It was a courageous voice with which they spoke and they deserve applause.

I opposed the Agriculture Act when it was before the Senate last year and as we here on the minority side indicated at the time, the program put forth by the administration was not what the

farmers wanted or needed. We now have that fact made amply clear by a referendum which showed that less than a majority, let alone the required two-thirds, were willing to accept a complicated, highly regulated, planned agricultural economy.

But, in my judgment, a disapproval of the program does not end our responsibility. On the contrary, now, while there is sufficient time, is the moment for us to get to work and put together a program which will be acceptable to the farmers of this country and which will help them to bridge the gap. I do not share the President's view that by this vote the farmers have expressed themselves in favor of going it alone, so to speak. There is only one thing which comes out of the vote and that is a resounding rejection of the program which was offered. All that was indicated was: "We don't want this program, but give us a reasonable program responsive to our needs." We have a responsibility to American agriculture and that responsibility needs to be met. I am hopeful that hearings can be held in the near future and that all those interested will be given the opportunity to present their views. There are several approaches which even now have been formulated and I am certain that more will be brought forward. Let us get to the task of meeting the challenge and offering a sound approach which the farmers can live with and work with.

POPE JOHN

Mr. PELL. Mr. President, reports continue to circulate throughout the world regarding the illness of Pope John XXIII.

Let us hope that these reports stem in part from the unusually heavy schedule which Pope John has been maintaining in recent days and that the rest he now contemplates may restore him.

Among his other important activities, he has entered personally into negotiations which the Vatican is conducting to ameliorate conditions in the Communist-dominated regimes of Poland and Hungary. We think of the heroism and dedication displayed by those prelates of the Roman Catholic church who serve in these most difficult areas; and we would wish for every conceivable success to follow Pope John's intervention.

He is also deeply involved with preparations for the resumption of the Ecumenical Council this coming September. Tremendous impetus has been given to the concept of international cooperation through the work this council has already completed. It has been a source of inspiration to people of all faiths.

Mr. President, let us join in wishing a full recovery to health for this benign and kindly, yet dynamic religious leader, who so personifies the dignity and spirituality of mankind and who has so articulated the desires for universal peace which all of us, regardless of our beliefs and backgrounds, do urgently share.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

REPEAL OF CERTAIN LEGISLATION RELATING TO THE PURCHASE OF SILVER

Mr. HUMPHREY. Mr. President, I move that the Senate resume consideration of the bill (H.R. 5389).

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

The LEGISLATIVE CLERK. A bill (H.R. 5389) to repeal certain legislation relating to the purchase of silver, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to and the Senate resumed the consideration of the bill (H.R. 5389) to repeal certain legislation relating to the purchase of silver, and for other purposes.

Mr. HUMPHREY. Mr. President, it is our hope that the Senate will finish consideration of the bill today. I should like to put Senators on notice to be available. There may be some rollcalls. We shall proceed as expeditiously as possible.

CIVIL RIGHTS

Mr. COOPER. Mr. President, today the senior Senator from Connecticut [Mr. DODD] and I are introducing two bills, the purpose of which is to provide statutory authority in two fields for the Federal enforcement of the constitutional rights of all of our citizens.

A large number of our colleagues in both parties has joined as cosponsors, and we are grateful for their interest and support. They are as follows: cosponsoring both bills are Senators BEALL, CASE, FONG, HARTKE, INOUYE, JAVITS, KEATING, KUCHEL, LONG of Missouri, METCALF, MORTON, NELSON, NEUBERGER, RANDOLPH, RIBICOFF, and SCOTT. In addition, Senator ALLOTT has joined in the school bill, and Senators MORSE, PASTORE, and PELL in the public accommodations bill.

I ask unanimous consent that the two bills and a brief explanation of them be printed in the body of the RECORD at this point.

I ask further that the bills lie at the desk until May 31, for the Senator from Connecticut [Mr. DODD], and I hope that other Members of the Senate will join as cosponsors.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the bills and explanation will be printed in the RECORD, and the bills will remain at the desk until May 31, as requested.

The bills, introduced by Mr. COOPER (for himself and other Senators), were received, read twice by their titles, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 1590

A bill to protect the right of all qualified persons to attend public schools, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "School Rights Act of 1963."

SEC. 2. Whenever the Attorney General receives a written allegation on oath or affirmation that any individual or group of individuals is being deprived of, or threatened with the loss of, by reason of race, color, religion or national origin, the right to equal protection of the laws with respect to attendance at a public school, the Attorney General is authorized to institute for or in the name of the United States a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, against any person or persons who, acting under color or law or otherwise, deprive or threaten to deprive such individual or group of individuals of the right to equal protection of the laws with respect to attendance at a public school by reason of race, color, religion, or national origin, and against any person or persons acting in concert with them.

SEC. 3. The district courts of the United States shall have jurisdiction of proceedings instituted under this Act and shall exercise the same without regard to whether the party or parties aggrieved have exhausted any administrative or other remedies that may be provided by law. In any proceding under this Act, the United States shall be liable for costs the same as a private person.

SEC. 4. Nothing contained in this Act shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General under existing law to institute, maintain, or intervene in any action or proceeding.

S. 1591

A bill to prohibit discrimination against any person on account of race or color in the furnishing of the advantages, privileges, and facilities of any business or business activity affecting the public which is conducted under State license

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Accommodations Act of 1963."

SEC. 2. The Congress finds and declares that—

(a) Many persons have been denied, on account of race or color, the advantages, privileges and facilities of businesses and business activities affecting the public, conducted under State license.

(b) Businesses and business activities holding their facilities out to the public for sale or use and conducted under the authority of a State license, are clothed with a public interest when operated so as to affect the community at large.

(c) Congress has the right under the Fourteenth Amendment to prohibit discrimination, on account of race or color, by businesses or business activities affecting the public which hold their facilities out to the public for sale or use, and are conducted under the authority of a State license.

SEC. 3. As used in this Act—

(a) The term "business or business activity affecting the public" includes any business or business activity which holds itself out as offering for sale or use to the public, food, goods, accommodations, facilities, or transportation, including services connected with the sale or use of such food, goods, accommodations, facilities or transportation.

(b) The term "State license" includes, with respect to any business or business activity, and license (by whatever name designated) which is required, under the laws of the State in which such business or business activity is conducted or under rules or regulations of any agency or instrumentality of such State, as a condition for conducting such business or business activity in such State.

(c) The term "State" includes the political subdivisions of a State, and the District of Columbia.

SEC. 4. Any person who, acting as a proprietor, manager, or employee of any business or business activity affecting the public which is conducted under a State license, denies or attempts to deny to any other person the full and equal enjoyment of any accommodation, advantage, privilege, service, or facility of such business or business activity, cn account of race or color, shall be subject to suit by the injured party in an action at law, suit in equity, or other proper proceeding for damages or for preventive, declaratory, or other relief.

SEC. 5. Any person who, acting under color of law or otherwise, denies or attempts to deny to any other person the right of such other person to the full and equal enjoyment of any accommodation, advantage, privilege, service, or facility of any business activity affecting the public which is conducted under a State license, on account of race or color, shall be subject to suit by the injured party in an action at law, suit in equity, or other proper proceeding for damages or for preventive, declaratory, or other relief.

SEC. 6. Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by section 4 or section 5 of this Act, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the the United States shall be liable for costs the same as a private person.

SEC. 7. (a) The district courts of the United States shall, with respect to civil actions or proceedings instituted pursuant to this Act, exericse the jurisdiction conferred upon them by section 1343(4) of title 28 of the United States Code, without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

(b) The provisions of subsection (f) of section 2204 of the Revised Statutes (42 U.S.C. 1971) shall apply with respect to any person cited for an alleged contempt under this Act, and the provisions of section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995) shall apply in all cases of criminal contempt arising under the provisions of this Act.

The explanation presented by Mr. COOPER is as follows:

EXPLANATION OF COOPER-DODD SCHOOL DESEGREGATION AND PUBLIC ACCOMMODATIONS BILLS

OBJECTIVES

1. School bill: Designed to implement the Brown decision by providing authority to the Attorney General to enforce the right of all qualified persons, irrespective of race, color, religion or national origin, to attend desegregated public schools.

2. Public accommodations bill: Designed to prohibit discrimination against any person on account of race or color in obtaining the advantages, privileges, and facilities of any business or business activity affecting the public (defined below) which is conducted under State license.

PROVISIONS

1. School bill:

(a) Requires that the Attorney General receive a written allegation, on oath or affirmation, that an individual is being deprived of or threatened with the loss of his right to equal protection of the laws with respect to attendance at a public school.

(b) Authorizes the Attorney General, upon receipt of such an allegation, to institute a civil action against any person who deprives or threatens to deprive any individual of the right to equal protection of the laws with respect to attendance at a public school.

(c) Grants jurisdiction to the Federal District Courts to hear proceedings instituted under the act.

2. Public accommodations bill:

(a) Creates a statutory remedy for any person who has been denied, on account of race or color, the advantages, privileges, and facilities of any business or business activity affecting the public which is conducted under State license.

(b) Authorizes the Attorney General to institute a civil action whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of equal access to the advantages, privileges, and facilities of any business or business activity affecting the public and which is conducted under State license.

(c) Defines "business or business activity affecting the public" as one which holds itself out as offering for sale or use to the public, food, goods, accommodations, facilities, or transportation, and services connected therewith; and "State license" as any license which is required under State laws or regulations as a condition to conducting business within the State.

(d) Subjects to the remedies provided in the bill those persons who, acting under color of law or otherwise, discriminatorily deny or attempt to deny any person the equal advantages, privileges, and facilities of such business.

(e) Grants jurisdiction to the Federal district courts to hear proceedings instituted under the act.

(f) Makes applicable the protections of previous civil rights acts to persons cited for alleged contempt.

REMEDIES

1. School bill: preventive relief, including permanent or temporary injunction.

2. Public accommodations bill:

(a) Injunctive relief by the injured party or by the Attorney General against persons denying the rights protected by the act.

(b) Action at law for damages by injured party against persons denying the rights protected by the act.

Mr. COOPER. Mr. President, I have a short statement to make on the purpose of the two bills, and then the Senator from Connecticut [Mr. DODD] will speak.

One of the bills we introduce today would authorize the Attorney General to initiate suits, in the name of the United States and at its expense, for persons discriminatorily denied the right to attend a desegregated public school. In practice, it would mean that the Attorney General could sue in Federal district courts to require school boards to undertake and put into effect desegregation plans—as required by the Supreme Court in its 1954 and 1955 decisions in Brown against Board of Education of Topeka.

The constitutional right of all citizens of our country to attend a public school without discrimination has been determined to fall under the "equal protection of the laws" guaranteed to all citizens by the 14th amendment. Under the procedures established by the Supreme Court in the Brown case, it was expected that local school boards would prepare and put into effect "with all deliberate speed" plans to assure this right. But in January of this year the Civil Rights Commission reported that of some 3 million Negro students in 11 Southern States, less than 12,000 attended desegregated schools last year.

If school boards do not act under the procedures prescribed by the Supreme Court, the only legal remedy at present is for a suit to be brought by individuals whose rights have been denied. This is a slow, tedious, and costly procedure for individual citizens. If means are not provided to the Federal Government to speed up the process of school desegregation, it will be years before substantial progress is made. In practice, our bill would authorize the Attorney General to initiate suits in Federal district courts in the name of the United States, and at its expense, on behalf of citizens against whom discrimination has been practiced, to speed up the legal process of school desegregation.

It is the duty of the Congress to provide means of enforcement under section 5 of the 14th amendment which states:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

If our bill is enacted, it could be expected that the Attorney General would file a number of court actions against school boards in each of the States which refuse to follow the order of the Supreme Court. These actions would, we believe, convince States, and school boards created by the States, that the Constitution must be obeyed.

The public accommodations bill which we introduce may be a controversial bill. But it is an important bill, as indicated by the events of recent weeks and months, and, in our judgment, it is a constitutional bill.

The 14th amendment made Negroes citizens of the United States, and of the States in which they reside—and they are entitled to constitutional and legal rights equal to those enjoyed by other citizens. Our "public accommodations" bill, if it should be enacted by the Congress, would prohibit discrimination against persons seeking to patronize businesses, licensed by a State, which hold themselves out as offering for sale to the public, food, goods, accommodations, entertainment, facilities, or transportation. A "State license" includes in legal comprehension all licenses issued by legal subdivisions of a State, as well as by the State itself.

In its recent decisions in the sit-in cases—Peterson against City of Greenville; Lombard against Louisiana; Wright against Georgia; Avent against North Carolina; Gober against Birmingham; and Shuttlesworth against Birmingham—the Supreme Court held that a State could not by legislative act, city ordinance, or executive action of its officials acting under color of law, enforce discrimination against individuals seeking their equal right to use restaurants. If a State cannot enforce its legislative acts or ordinances in this respect, I think it is logical that the reason it cannot do so is because there is a legal right of these citizens to enjoy the equal use of these businesses. While the Court did not adjudge directly this legal right, we contend that a business which is licensed by the State or its political subdivisions, and which holds itself out to public patronage, falls within the purview of

the 14th amendment. The Congress of the United States thus has the authority and the duty under section 5 of the 14th amendment to enact legislation to secure the right.

Our bill in no way attempts to regulate businesses in respect of safety, public health, and other areas which are within the police power of the State. Our bill acts in one area only—an area which is within the constitutional power of the Congress to act. That is, to provide that the constitutional and legal right to use these businesses must not be the subject of discrimination.

I point out that our bill would give to the Attorney General the power to enforce those rights. However, the bill goes only to those businesses which are held out for use to the general public, and does not affect private associations or professions.

Senator DODD and I support the efforts by the administration, by State and local officials, and by individuals in States throughout the Union, to secure voluntary acceptance of the provisions of the Constitution and Supreme Court decisions—for consent is an element in our system of government. But we also believe that enforcement of the Constitution is the primary and necessary element of law and government. Properly used, it will more quickly bring about consent and respect for the law. Unless this administration asks for, and the Congress provides, legal measures of enforcement such as we suggest, we can expect the continued denial of these rights.

In the recent and sad situation in Birmingham and elsewhere—and we must not limit these situations to Southern States—the Federal Government found itself without power, and waiting until disturbances occurred, before it could move to prevent violence and disorder. The frustration of citizens in the South and elsewhere throughout the country undoubtedly arises from this inability to secure acceptance in many sections of their constitutional rights. This frustration arises also from the delay and failure of the executive branch and the Congress to take legislative action to move toward the assurance and enjoyment of these rights. These issues cannot be quieted, and they will not die.

In 1961 and 1962, I introduced in the Senate bills to authorize the Attorney General to act in school desegregation cases. The Senator from Connecticut [Mr. DODD] and I announced several weeks ago that we would introduce a second bill—to assure the equal use of businesses affected with a public interest and licensed by the State—as we do today.

Mr. President, although I am introducing the two bills today, and they will bear first my own name, I want it to be known that the Senator from Connecticut [Mr. DODD] and I have collaborated and worked together, beginning last year, on both bills and, in fact, on the series of three bills. The first of the three bills, S. 666, relates to voting rights. Senator DODD and I introduced that bill earlier this year on February 4. We have worked together, and many of the ideas are the result of the great legal ability and intense interest in this field of the Senator from Connecticut.

I do not seek to make a political issue of this question, because we speak for legislation which will help to bring these rights to all, but I must state the facts. The administration has delayed for more than 2 years seeking the authority it needs—and a statutory definition of legal rights protected by the 14th amendment—upon which it could proceed to take action in the courts to secure these rights. I was, therefore, gratified to hear the President say yesterday that his administration would now ask for additional legal power to meet these problems.

I have actively supported the objectives of civil rights legislation introduced by my colleagues in the past, and cosponsored many of their bills.

Many of the proposals before the Senate would have reached some of these problems. There is, however, a distinction as between general "title III" legislation, which has been introduced several times, and the bills Senator DODD and I have introduced.

The general title III provision, which has been before the Senate and the House several times in the past 7 years, does not specify the rights which are to be secured. It has aroused opposition for that reason, because those who oppose civil rights legislation are able to say that the Congress is not specifying the rights it intends to secure by the legislation.

The three bills which Senator DODD and I have thus far introduced specify at least three rights. There are other rights, and other legislation can be proposed. Our bills, however, do specifically enumerate three important rights.

Mr. President, I point out that the public accommodations bill, relating to the use by the public of accommodations licensed by the State, which the Senator from Connecticut [Mr. DODD] and I are introducing, is the first comprehensive and bipartisan effort to eliminate racial discrimination in public places.

We are confident that the great majority of our citizens do not want to see these disturbances, with all their possibilities of violence, continue. I fear that they will continue unless steps are taken to meet the constitutional rights of all our people.

It is time for the administration and Congress to act. We must come to grips with these issues. It is for these purposes that the Senator from Connecticut [Mr. DODD] and I introduce these bills today.

Before I close, Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial entitled "In the Nation—The Advancing Prospect of the Sit-In Decisions," written by Mr. Arthur Krock and published in the New York Times, which emphasizes that the Court's decisions have left undetermined the question as to whether these are rights, although the Court implies by its decisions that they are rights.

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

THE ADVANCING PROSPECT OF THE SIT-IN DECISIONS

(By Arthur Krock)

WASHINGTON, May 22.—The legislation which Senators COOPER, of Kentucky, and DODD, of Connecticut, will formally propose tomorrow to sweep away all discriminatory practices of privately owned, public marketing facilities is a logical application of the Supreme Court's lunchroom sit-in decisions last Monday. The Cooper-Dodd bill advances beyond the point where the decisions stopped for the time being, to proposed congressional enactment of Justice Douglas' legal thesis. This is, that private business which can be engaged in only under State or local licensing, thereby loses any constitutional claim for "protected privacy."

The Court declined to follow Justice Douglas to this dynamic extension of its ruling that, wherever "State police power" in any form is present in an act of discrimination by privately owned business, the act is unconstitutional. The Court confined its ban on customer exclusion, on the discriminations listed in the Constitution, to privately owned, public marketing facilities in two areas. One, where any State or local ordinance stipulates them. Two, where, even in the absence of such ordinances, the Court concludes by a process of deduction that the actual sources of these discriminations was a policy of coercion by State or local authorities.

The practical result of these rulings is that private business in areas where neither the legal nor the judicially assumed situation exists may constitutionally practice customer discrimination for reasons based on "race, religion or previous condition of servitude." In effect, therefore, privately owned stores, bars, hotels, etc., in the North though required to have some form of government license to sell their goods and services to the public, can still legally exclude the patronage of such groups. Among those usually excluded are citizens who, in the judgment of proprietors, are members of the Jewish or the Negro community—the second on a more wholesale basis.

This geographical discrimination, the inevitable consequence of the rationale of the Supreme Court in the sit-in decisions, would be removed by the enactment of the Cooper-Dodd bill. But, since the proposal to accomplish it by Federal legislation foreshadows last-ditch opposition in Congress, the shorter route to the Cooper-Dodd goal would seem to be through the Supreme Court. That is because of the steady whittling down, and occasional evisceration, by the Court in recent years of State and individual acts which for years the same Court held to be within their constitutional prerogatives.

However, of all the temptations of mankind to try to fathom the future, the prediction least likely to succeed is how the Supreme Court will decide cases involving issues it previously decided. And now that the Supreme Court often makes and unmakes public policy, by the exercise of judicial supremacy over the other two Federal branches, it is downright silly to try to read its mind in advance. Hence the logic of Justice Douglas' thesis as a projection of last Monday's rulings offers no assurance that a majority of his current brethren will ever adopt it.

The scope of a finding that every privately owned unit of public marketing is affected with the public interest because it must be licensed by government is indicated by the list of such licenses in the District of Columbia alone. Exclusive of alcoholic beverage licenses, this list consists of several hundred

items ranging from amusement parks, apartment houses, apothecaries, and auctioneers to pawnbrokers.

Nearly all, if not all, of these would be required to give their services without group discrimination under the Cooper-Dodd bill. Specifically, the measure enumerates food, goods, accommodations, similar facilities, and transportation. But in general terms it covers the entire free enterprise business system of this country.

Either legislated, or supervened by a comparable Supreme Court ruling, this would at least dispel the existing constitutional paradox of customer discrimination that remains legal in Montana but illegal in States where it is law or where, as in New Orleans, the Court assumed it to be the intent of a police policy, though this was officially designated as necessary to the preservation of community law and order. Of course, long-established judicial and legislative concept of private property rights would disappear with the paradox.

Mr. COOPER. Finally, Mr. President, I ask unanimous consent to have printed in the RECORD the decision of the Supreme Court in the Civil Rights Cases of 1883—and that is a long time ago—on the issue of the use of private businesses affected with the public interest. While it was an adverse decision, I think it contains the best discussion of this issue I have ever read. I think the dissenting opinion by the first Mr. Justice Harlan is as conclusive today on these points as it should have been conclusive 80 years ago.

I ask also that a statement by the senior Senator from Hawaii [Mr. FONG], who has joined in sponsoring both bills, be included in the RECORD.

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

CIVIL RIGHTS CASES

United States v. *Stanley*, on certificate of division from the Circuit Court of the United States for the District of Kansas.

United States v. *Ryan*, in error to the Circuit Court of the United States for the District of California.

United States v. *Nichols*, on certificate of division from the Circuit Court of the United States for the western district of Missouri.

United States v. *Singleton*, on certificate of division from the Circuit Court of the United States for the southern district of New York.

Robinson & Wife v. *Memphis and Charleston Railroad Company*, in error to the Circuit Court of the United States for the western district of Tennessee.

(Submitted October term, 1882.—Decided October 15, 1883.)

CIVIL RIGHTS—CONSTITUTION—DISTRICT OF COLUMBIA—INNS—PLACES OF AMUSEMENT—PUBLIC CONVEYANCES—SLAVERY—TERRITORIES

1. The 1st and 2d sections of the Civil Rights Act passed March 1st, 1875, are unconstitutional enactments as applied to the several States, not being authorized either by the XIIIth or XIVth Amendments of the Constitution.

2. The XIVth Amendment is prohibitory upon the States only, and the legislation authorized to be adopted by Congress for enforcing it is not direct legislation on the matters respecting which the States are prohibited from making or enforcing certain laws, or doing certain acts, but is corrective legislation, such as may be necessary or proper for counteracting and redressing the effect of such laws or acts.

3. The XIIIth Amendment relates only to slavery and involuntary servitude (which it abolishes); and although, by its reflex action, it establishes universal freedom in the United States, and Congress may probably pass laws directly enforcing its provisions; yet such legislative power extends only to the subject of slavery and its incidents; and the denial of equal accommodations in inns, public conveyances and places of public amusement (which is forbidden by the sections in question), imposes no badge of slavery or involuntary servitude upon the party, but at most, infringes rights which are protected from State aggression by the XIVth Amendment.

4. Whether the accommodations and privileges sought to be protected by the 1st and 2d sections of the Civil Rights Act, are, or are not, rights constitutionally demandable; and if they are, in what form they are to be protected, is not now decided.

5. Nor is it decided whether the law as it stands is operative in the Territories and District of Columbia: the decision only relating to its validity as applied to the States.

6. Nor is it decided whether Congress, under the commercial power, may or may not pass a law securing to all persons equal accommodations on lines of public conveyance between two or more States.

These cases were all founded on the first and second sections of the Act of Congress, known as the Civil Rights Act, passed March 1st, 1875, entitled "An Act to protect all citizens in their civil and legal rights." 18 Stat. 335. Two of the cases, those against Stanley and Nichols, were indictments for denying to persons of color the accommodations and privileges of an inn or hotel; two of them, those against Ryan and Singleton, were, one on information, the other an indictment, for denying to individuals the privileges and accommodations of a theatre, the information against Ryan being for refusing a colored person a seat in the dress circle of Maguire's theater in San Francisco; and the indictment against Singleton was for denying to another person, whose color was not stated, the full enjoyment of the accommodations of the theater known as the Grand Opera House in New York, "said denial not being made for any reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude."

The case of Robinson and wife against the Memphis & Charleston R.R. Company was an action brought in the Circuit Court of the United States for the Western District of Tennessee, to recover the penalty of five hundred dollars given by the second section of the act; and the gravamen was the refusal by the conductor of the railroad company to allow the wife to ride in the ladies' car, for the reason, as stated in one of the counts, that she was a person of African descent. The jury rendered a verdict for the defendants in this case upon the merits, under a charge of the court to which a bill of exceptions was taken by the plaintiffs. The case was tried on the assumption by both parties of the validity of the act of Congress; and the principal point made by the exceptions was, that the judge allowed evidence to go to the jury tending to show that the conductor had reason to suspect that the plaintiff, the wife, was an improper person, because she was in company with a young man whom he supposed to be a white man, and on that account inferred that there was some improper connection between them; and the judge charged the jury, in substance, that if this was the conductor's bona fide reason for excluding the woman from the car, they might take it into consideration on the question of the liability of the company. The case was brought here by writ of error at the suit of the plaintiffs.

The cases of Stanley, Nichols, and Singleton, came up on certificates of division of opinion between the judges below as to the constitutionality of the first and second sections of the act referred to; and the case of Ryan, on a writ of error to the judgment of the Circuit Court for the District of California sustaining a demurrer to the information.

The Stanley, Ryan, Nichols, and Singleton cases were submitted together by the solicitor general at the last term of court, on the 7th day of November, 1882. There were no appearances and no briefs filed for the defendants.

The Robinson case was submitted on the briefs at the last term, on the 29th day of March, 1883.

MR. SOLICITOR GENERAL PHILLIPS FOR THE UNITED STATES

After considering some objections to the forms of proceedings in the different cases, the counsel reviewed the following decisions of the court upon the Thirteenth and Fourteenth Amendments to the Constitution and on points cognate thereto, viz: *The Slaughter-House Cases*, 16 Wall. 36; *Bradwell* v. *The State*, 16 Wall. 130; *Bartemeyer* v. *Iowa*, 18 Wall. 129; *Minor* v. *Happersett*, 21 Wall. 162; *Walker* v. *Sauvinet*, 92 U.S. 90; *United States* v. *Reese*, 92 U.S. 214; *Kennard* v. *Louisiana*, 92 U.S. 480; *United States* v. *Cruikshank*, 92 U.S. 542; *Munn* v. *Illinois*, 94 U.S. 13; *Chicago B. & C.R.R. Co.* v. *Iowa*, 94 U.S. 155; *Blyew* v. *United States*, 13 Wall. 581; *Railroad Co.* v. *Brown*, 17 Wall. 455; *Hall* v. *DeCuir*, 95 U.S. 485; *Strauder* v. *West Virginia*, 100 U.S. 303; *Ex parte Virginia*, 100 U.S. 339; *Missouri* v. *Lewis*, 101 U.S. 22; *Neal* v. *Delaware*, 103 U.S. 370.

Upon the whole these cases decide that,

1. The Thirteenth Amendment forbids all sorts of involuntary personal servitude except penal, as to all sorts of men, the word servitude taking some color from the historical fact that the United States were then engaged in dealing with African slavery, as well as from the signification of the Fourteenth and Fifteenth Amendments, which must be construed as *advancing* constitutional rights previously existing.

2. The Fourteenth Amendment expresses prohibitions (and consequently implies corresponding positive immunities), limiting State action only, including in such action, however, action by all State agencies, executive, legislative, and judicial, of whatever degree.

3. The Fourteenth Amendment warrants legislation by Congress punishing violations of the immunities thereby secured when committed by agents of States in discharge of ministerial functions.

The right violated by Nichols, which is of the same class as that violated by Stanley and by Hamilton, is the right of locomotion, which Blackstone makes an element of personal liberty. Blackstone's Commentaries, Book I., ch. 1.

In violating this right, Nichols did not act in an exclusively private capacity, but in one devoted to a public use, and so affected with a public, i.e., a State, interest. This phrase will be recognized as taken from the *Elevator Cases* in 94 U.S., already cited.

Restraint upon the right of locomotion was a well-known feature of the slavery abolished by the Thirteenth Amendment. A first requisite of the right to appropriate the use of another man was to become the master of his natural power of motion, and, by a mayhem therein of the common law to require the whole community to be on the alert to restrain that power. That this is not exaggeration is shown by the language of the court in *Eaton* v. *Vaughan*, 9 Missouri, 734.

Granting that by involuntary servitude, as prohibited in the Thirteenth Amendment, is

intended some institution, viz, custom, etc., of that sort, and not primarily mere scattered trespasses against liberty committed by private persons, yet, considering what must be the social tendency in at least large parts of the country, it is "appropriate legislation" against such an institution to forbid any action by private persons which in the light of our history may reasonably be apprehended to tend, on account of its being incidental to quasi public occupations, to create an institution.

Therefore, the above act of 1875, in prohibiting persons from violating the rights of other persons to the full and equal enjoyment of the accommodations of inns and public conveyances, for any reason turning merely upon the race or color of the latter, partakes of the specific character of certain contemporaneous solemn and effective action by the United States to which it was a sequel—and is constitutional.

MR. WILLIAM M. RANDOLPH FOR ROBINSON AND WIFE, PLAINTIFFS IN ERROR

Where the Constitution guarantees a right, Congress is empowered to pass the legislation appropriate to give effect to that right. *Prigg* v. *Pennsylvania*, 16 Peters, 539; *Ableman* v. *Booth*, 21 How. 506; *United States* v. *Reese*, 92 U.S. 214.

Whether Mr. Robinson's rights were created by the Constitution, or only guaranteed by it, in either event the act of Congress, so far as it protects them, is within the Constitution. *Pensacola Telegraph Co.* v. *Western Union Tel. Co.*, 96 U.S. 1; *The Passenger Cases*, 7 Howard, 283; *Crandall* v. *Nevada*, 6 Wall. 35.

In *Munn* v. *Illinois*, 94 U.S. 113, the following propositions were affirmed:

"Under the powers inherent in every sovereignty, a government may regulate the conduct of its citizens toward each other, and, when necessary for the public good, the manner in which each shall use his own property."

"It has, in the exercise of these powers, been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, etc."

"When the owner of property devotes it to a use in which the public has an interest, he in effect grants to the public an interest in such use, and must, to the extent of that interest, submit to be controlled by the public, for the common good, as long as he maintains the use."

Undoubtedly, if Congress could legislate on the subject at all, its legislation by the act of 1st March, 1875, was within the principles thus announced.

The penalty denounced by the statute is incurred by denying to any citizen "the full enjoyment of any of the accommodations, advantages, facilities, or privileges" enumerated in the first section, and it is wholly immaterial whether the citizen whose rights are denied him belongs to one race or class or another, or is of one complexion or another. And again, the penalty follows every denial of the full enjoyment of any of the accommodations, advantages, facilities or privileges, except and unless the denial was "for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude."

MR. WILLIAM Y. C. HUMES AND MR. DAVID POSTEN FOR THE MEMPHIS AND CHARLESTON RAILROAD CO., DEFENDANTS IN ERROR

Mr. Justice Bradley delivered the opinion of the Court. After stating the facts in the above language he continued:

It is obvious that the primary and important question in all the cases is the constitutionality of the law: for if the law is unconstitutional none of the prosecutions can stand.

The sections of the law referred to provide as follows:

"SEC. 1. That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theatres, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

"SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall for every such offence forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered in an action of debt, with full costs; and shall also, for every such offence, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred nor more than one thousand dollars, or shall be imprisoned not less than thirty days nor more than one year: *Provided*, That all persons may elect to sue for the penalty aforesaid, or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this provision shall not apply to criminal proceedings, either under this act or the criminal law of any State: *And provided further*, That a judgment for the penalty in favor of the party aggrieved, or a judgment upon an indictment, shall be a bar to either prosecution respectively."

Are these sections constitutional? The first section, which is the principal one, cannot be fairly understood without attending to the last clause, which qualifies the preceding part.

The essence of the law is, not to declare broadly that all persons shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances, and theaters; but that such enjoyment shall not be subject to any conditions applicable only to citizens of a particular race or color, or who had been in a previous condition of servitude. In other words, it is the purpose of the law to declare that, in the enjoyment of the accommodations and privileges of inns, public conveyances, theatres, and other places of public amusement, no distinction shall be made between citizens of different race or color, or between those who have, and those who have not, been slaves. Its effect is to declare, that in all inns, public conveyances, and places of amusement, colored citizens, whether formerly slaves or not, and citizens of other races, shall have the same accommodations and privileges in all inns, public conveyances, and places of amusement as are enjoyed by white citizens; and vice versa. The second section makes it a penal offence in any person to deny to any citizen of any race or color, regardless of previous servitude, any of the accommodations or privileges mentioned in the first section.

Has Congress constitutional power to make such a law? Of course, no one will contend that the power to pass it was contained in the Constitution before the adoption of the last three amendments. The power is sought, first, in the Fourteenth Amendment, and the views and arguments of distinguished Senators, advanced whilst the law was under consideration, claiming authority to pass it by virtue of that amendment, are the principal arguments adduced in favor of the power. We have carefully considered those arguments, as was due to the eminent ability of those who put them forward and have felt, in all its force, the weight of authority which always invests a law that Congress deems itself competent to pass. But the responsibility of an independent judgment is now thrown upon this Court; and we are bound to exercise it according to the best lights we have.

The first section of the Fourteenth Amendment (which is the one relied on), after declaring who shall be citizens of the United States, and of the several States, is prohibitory in its character, and prohibitory upon the States. It declares that:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation, and State action of every kind, which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty or property without due process of law, or which denies to any of them the equal protection of the laws. It not only does this, but, in order that the national will, thus declared, may not be a mere brutum fulmen, the last section of the amendment invests Congress with power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition. To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts, and thus to render them effectually null, void, and innocuous. This is the legislative power conferred upon Congress, and this is the whole of it. It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation; but to provide modes of relief against State legislation, or State action, of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights; but to provide modes of redress against the operation of State laws, and the action of State officers executive or judicial, when these are subversive of the fundamental rights specified in the amendment. Positive rights and privileges are undoubtedly secured by the Fourteenth Amendment; but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibition into effect: and such legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect. A quite full discussion of this aspect of the amendment may be found in *United States* v. *Cruikshank*, 92 U.S. 542; *Virginia* v. *Rives*, 100 U.S. 313; and *Ex parte Virginia*, 100 U.S. 339.

An apt illustration of this distinction may be found in some of the provisions of the original Constitution. Take the subject of contracts, for example. The Constitution prohibited the States from passing any law impairing the obligation of contracts. This did not give to Congress power to provide laws for the general enforcement of contracts; nor power to invest the courts of the United States with jurisdiction over contracts, so as to enable parties to sue upon them in those courts. It did, however, give the power to provide remedies by which the impairment of contracts by State legislation might be counteracted and corrected: and this power was exercised. The remedy which Congress actually provided was that contained in the 25th section of the Judiciary

Act of 1789, 1 Stat. 85, giving to the Supreme Court of the United States jurisdiction by writ of error to review the final decisions of State courts whenever they should sustain the validity of a State statute or authority alleged to be repugnant to the Constitution or laws of the United States. By this means, if a State law was passed impairing the obligation of a contract, and the State tribunals sustained the validity of the law, the mischief could be corrected in this Court. The legislation of Congress, and the proceedings provided for under it, were corrective in their character. No attempt was made to draw into the United States courts the litigation of contracts generally; and no such attempt would have been sustained. We do not say that the remedy provided was the only one that might have been provided in that case. Probably Congress had power to pass a law giving to the courts of the United States direct jurisdiction over contracts alleged to be impaired by a State law; and under the broad provisions of the act of March 3d, 1875, ch. 137, 18 Stat. 470, giving to the circuit courts jurisdiction of all cases arising under the Constitution and laws of the United States, it is possible that such jurisdiction now exists. But under that, or any other law, it must appear as well by allegation, as proof at the trial, that the Constitution had been violated by the action of the State legislature. Some obnoxious State law passed, or that might be passed, is necessary to be assumed in order to lay the foundation of any Federal remedy in the case; and for the very sufficient reason, that the constitutional prohibition is against State laws impairing the obligation of contracts.

And so in the present case, until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the Fourteenth Amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity: for the prohibitions of the amendment are against State laws and acts done under State authority. Of course, legislation may, and should be, provided in advance to meet the exigency when it arises; but it should be adapted to the mischief and wrong which the amendment was intended to provide against; and that is, State laws, or State action of some kind, adverse to the rights of the citizen secured by the amendment. Such legislation cannot properly cover the whole domain of rights appertaining to life, liberty and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty and property (which include all civil rights that men have), are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons, of the equal protection of the laws, is prohibited by the amendment, therefore Congress may establish laws for their equal protection. In fine, the legislation which Congress is authorized to adopt in this behalf is not general legislation upon the rights of the citizen, but corrective legislation, that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the amendment, they are prohibited from committing or taking. It is not necessary for us to state, if we could, what legislation would be proper for Congress to adopt. It is sufficient for us to examine whether the law in question is of that character.

An inspection of the law shows that it makes no reference whatever to any supposed or apprehended violation of the Fourteenth Amendment on the part of the States. It is not predicated on any such view. It proceeds ex directo to declare that certain acts committed by individuals shall be deemed offences, and shall be prosecuted and punished by proceedings in the courts of the United States. It does not profess to be corrective of any constitutional wrong committed by the States; it does not make its operation to depend upon any such wrong committed. It applies equally to cases arising in States which have the justest laws respecting the personal rights of citizens, and whose authorities are ever ready to enforce such laws, as to those which arise in States that may have violated the prohibition of the amendment. In other words, it steps into the domain of local jurisprudence, and lays down rules for the conduct of individuals in society towards each other, and imposes sanctions for the enforcement of those rules, without referring in any manner to any supposed action of the State or its authorities.

If this legislation is appropriate for enforcing the prohibitions of the amendment, it is difficult to see where it is to stop. Why may not Congress with equal show of authority enact a code of laws for the enforcement and vindication of all rights of life, liberty, and property? If it is supposable that the States may deprive persons of life, liberty, and property without due process of law (and the amendment itself does suppose this), why should not Congress proceed at once to prescribe due process of law for the protection of every one of these fundamental rights, in every possible case, as well as to prescribe equal privileges in inns, public conveyances, and theaters? The truth is, that the implication of a power to legislate in this manner is based upon the assumption that if the States are forbidden to legislate or act in a particular way on a particular subject, and power is conferred upon Congress to enforce the prohibition, this gives Congress power to legislate generally upon that subject, and not merely power to provide modes of redress against such State legislation or action. The assumption is certainly unsound. It is repugnant to the Tenth Amendment of the Constitution, which declares that 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.

We have not overlooked the fact that the fourth section of the act now under consideration has been held by this Court to be constitutional. That section declares "that no citizen, possessing all other qualifications which are or may be prescribed by law, shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than five thousand dollars." In Ex parte *Virginia*, 100 U.S. 339, it was held that an indictment against a State officer under this section for excluding persons of color from the jury list is sustainable. But a moment's attention to its terms will show that the section is entirely corrective in its character. Disqualifications for service on juries are only created by the law, and the first part of the section is aimed at certain disqualifying laws, namely, those which make mere race or color a disqualification; and the second clause is directed against those who, assuming to use the authority of the State government, carry into effect such a rule of disqualification. In the Virginia case, the State, through its officer, enforced a rule of disqualification which the law was intended to abrogate and counteract. Whether the statute book of the State actually laid down any such rule of disqualification, or not, the State, through its officer, enforced such a rule: and it is against such State action, through its officers and agents, that the last clause of the section is directed. This aspect of the law was deemed sufficient to divest it of any unconstitutional character, and makes it differ widely from the first and second sections of the same act which we are now considering.

These sections, in the objectionable features before referred to, are different also from the law ordinarily called the "Civil Rights Bill," originally passed April 9th, 1866, 14 Stat. 27, ch. 31, and re-enacted with some modifications in sections 16, 17, 18, of the Enforcement Act, passed May 31st, 1870, 16 Stat. 140, ch. 114. That law, as re-enacted, after declaring that all persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses and exactions of every kind, and none other, any law, statute, ordinance, regulation or custom to the contrary notwithstanding, proceeds to enact, that any person who, under color of any law, statute, ordinance, regulation or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any rights secured or protected by the preceding section (above quoted), or to different punishment, pains, or penalties, on account of such person being an alien, or by reason of his color or race, than is prescribed for the punishment of citizens, shall be guilty of a misdemeanor, and subject to fine and imprisonment as specified in the act. This law is clearly corrective in its character, intended to counteract and furnish redress against State laws and proceedings, and customs having the force of law, which sanction the wrongful acts specified. In the Revised Statutes, it is true, a very important clause, to wit, the words "any law, statute, ordinance, regulation or custom to the contrary notwithstanding," which gave the declaratory section its point and effect, are omitted; but the penal part, by which the declaration is enforced, and which is really the effective part of the law, retains the reference to State laws, by making the penalty apply only to those who should subject parties to a deprivation of their rights under color of any statute, ordinance, custom, etc., of any State or Territory: thus preserving the corrective character of the legislation. Rev. St. §§ 1977, 1978, 1979, 5510. The Civil Rights Bill here referred to is analogous in its character to what a law would have been under the original Constitution, declaring that the validity of contracts should not be impaired, and that if any person bound by a contract should refuse to comply with it, under color or pretence that it had been rendered void or invalid by a State law, he should be liable to an action upon it in the courts of the United States, with the addition of a penalty for setting up such an unjust and unconstitutional defence.

In this connection it is proper to state that civil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful acts of individuals, unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings. The wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of that individual; an invasion of the rights

of the injured party, it is true, whether they affect his person, his property, or his reputation; but if not sanctioned in some way by the State, or not done under State authority, his rights remain in full force, and may presumably be vindicated by resort to the laws of the State for redress. An individual cannot deprive a man of his right to vote, to hold property, to buy and sell, to sue in the courts, or to be a witness or a juror; he may, by force or fraud, interfere with the enjoyment of the right in a particular case; he may commit an assault against the person, or commit murder, or use ruffian violence at the polls, or slander the good name of a fellow citizen; but, unless protected in these wrongful acts by some shield of State law or State authority, he cannot destroy or injure the right; he will only render himself amenable to satisfaction or punishment; and amenable therefor to the laws of the State where the wrongful acts are committed. Hence, in all those cases where the Constitution seeks to protect the rights of the citizen against discriminative and unjust laws of the State by prohibiting such laws, it is not individual offenses, but abrogation and denial of rights, which it denounces, and for which it clothes the Congress with power to provide a remedy. This abrogation and denial of rights, for which the States alone were or could be responsible, was the great seminal and fundamental wrong which was intended to be remedied. And the remedy to be provided must necessarily be predicated upon that wrong. It must assume that in the cases provided for, the evil or wrong actually committed rests upon some State law or State authority for its excuse and perpetration.

Of course, these remarks do not apply to those cases in which Congress is clothed with direct and plenary powers of legislation over the whole subject, accompanied with an express or implied denial of such power to the States, as in the regulation of commerce with foreign nations, among the several States, and with the Indian tribes, the coining of money, the establishment of post offices and post roads, the declaring of war, etc. In these cases Congress has power to pass laws for regulating the subjects specified in every detail, and the conduct and transactions of individuals in respect thereof. But where a subject is not submitted to the general legislative power of Congress, but is only submitted thereto for the purpose of rendering effective some prohibition against particular State legislation or State action in reference to that subject, the power given is limited by its object, and any legislation by Congress in this matter must necessarily be corrective in its character, adapted to counteract and redress the operation of such prohibited State laws or proceedings of State officers.

If the principles of interpretation which we have laid down are correct, as we deem them to be (and they are in accord with the principles laid down in the cases before referred to, as well as in the recent case of *United States* v. *Harris*, 106 U.S. 629), it is clear that the law in question cannot be sustained by any grant of legislative power made to Congress by the Fourteenth Amendment. That amendment prohibits the States from denying to any person the equal protection of the laws, and declares that Congress shall have power to enforce, by appropriate legislation, the provisions of the amendment. The law in question, without any reference to adverse State legislation on the subject, declares that all persons shall be entitled to equal accommodations and privileges of inns, public conveyances, and places of public amusement, and imposes a penalty upon any individual who shall deny to any citizen such equal accommodations and privileges. This is not corrective legislation; it is primary and direct; it takes immediate and absolute possession of the subject of the right of admission to inns, public conveyances, and places of amusement. It supersedes and displaces State legislation on the same subject, or only allows it permissive force. It ignores such legislation, and assumes that the matter is one that belongs to the domain of national regulation. Whether it would not have been a more effective protection of the rights of citizens to have clothed Congress with plenary power over the whole subject, is not now the question. What we have to decide is, whether such plenary power has been conferred upon Congress by the Fourteenth Amendment; and in our judgment, it has not.

We have discussed the question presented by the law on the assumption that a right to enjoy equal accommodation and privileges in all inns, public conveyances, and places of public amusement, is one of the essential rights of the citizen which no State can abridge or interfere with. Whether it is such a right, or not, is a different question which, in the view we have taken of the validity of the law on the ground already stated, it is not necessary to examine.

We have also discussed the validity of the law in reference to cases arising in the States only; and not in reference to cases arising in the Territories or the District of Columbia, which are subject to the plenary legislation of Congress in every branch of municipal regulation. Whether the law would be a valid one as applied to the Territories and the District is not a question for consideration in the cases before us: they all being cases arising within the limits of States. And whether Congress, in the exercise of its power to regulate commerce amongst the several States, might or might not pass a law regulating rights in public conveyances passing from one State to another, is also a question which is not now before us, as the sections in question are not conceived in any such view.

But the power of Congress to adopt direct and primary, as distinguished from corrective legislation, on the subject in hand, is sought, in the second place, from the Thirteenth Amendment, which abolishes slavery. This amendment declares "that neither slavery, nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction;" and it gives Congress power to enforce the amendment by appropriate legislation.

This amendment, as well as the Fourteenth, is undoubtedly self-executing without any ancillary legislation, so far as its terms are applicable to any existing state of circumstances. By its own unaided force and effect it abolished slavery, and established universal freedom. Still, legislation may be necessary and proper to meet all the various cases and circumstances to be affected by it, and to prescribe proper modes of redress for its violation in letter or spirit. And such legislation may be primary and direct in its character; for the amendment is not a mere prohibition of State laws establishing or upholding slavery, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States.

It is true, that slavery cannot exist without law, any more than property in lands and goods can exist without law: and, therefore, the Thirteenth Amendment may be regarded as nullifying all State laws which establish or uphold slavery. But it has a reflex character also, establishing and decreeing universal civil and political freedom throughout the United States; and it is assumed, that the power vested in Congress to enforce the article by appropriate legislation, clothes Congress with power to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States: and upon this assumption it is claimed, that this is sufficient authority for declaring by law that all persons shall have equal accommodations and privileges in all inns, public conveyances, and places of amusement; the argument being, that the denial of such equal accommodations and privileges is, in itself, a subjection to a species of servitude within the meaning of the amendment. Conceding the major proposition to be true, that Congress has a right to enact all necessary and proper laws for the obliteration and prevention of slavery with all its badges and incidents, is the minor proposition also true, that the denial to any person of admission to the accommodations and privileges of an inn, a public conveyance, or a theatre, does subject that person to any form of servitude, or tend to fasten upon him any badge of slavery? If it does not, then power to pass the law is not found in the Thirteenth Amendment.

In a very able and learned presentation of the cognate question as to the extent of the rights, privileges and immunities of citizens which cannot rightfully be abridged by state laws under the Fourteenth Amendment, made in a former case, a long list of burdens and disabilities of a servile character, incident to feudal vassalage in France, and which were abolished by the decrees of the National Assembly, was presented for the purpose of showing that all inequalities and observances exacted by one man from another were servitudes, or badges of slavery, which a great nation, in its effort to establish universal liberty, made haste to wipe out and destroy. But these were servitudes imposed by the old law, or by long custom, which had the force of law, and exacted by one man from another without the latter's consent. Should any such servitudes be imposed by a state law, there can be no doubt that the law would be repugnant to the Fourteenth, no less than to the Thirteenth Amendment; nor any greater doubt that Congress has adequate power to forbid any such servitude from being exacted.

But is there any similarity between such servitudes and a denial by the owner of an inn, a public conveyance, or a theatre, of its accommodations and privileges to an individual, even though the denial be founded on the race or color of that individual? Where does any slavery or servitude, or badge of either, arise from such an act of denial? Whether it might not be a denial of a right which, if sanctioned by the State law, would be obnoxious to the prohibitions of the Fourteenth Amendment, is another question. But what has it to do with the question of slavery?

It may be that by the Black Code (as it was called), in the times when slavery prevailed, the proprietors of inns and public conveyances were forbidden to receive persons of the African race, because it might assist slaves to escape from the control of their masters. This was merely a means of preventing such escapes, and was no part of the servitude itself. A law of that kind could not have any such object now, however justly it might be deemed an invasion of the party's legal right as a citizen, and amenable to the prohibitions of the Fourteenth Amendment.

The long existence of African slavery in this country gave us very distinct notions of what it was, and what were its necessary incidents. Compulsory service of the slave for the benefit of the master, restraint of his movements except by the master's will, disability to hold property, to make contracts, to have a standing in court, to be a witness against a white person, and such like burdens and incapacities, were the inseparable incidents of the institution. Severer punishments for crimes were imposed on the slave than on free persons guilty of the same offenses. Congress, as we have seen, by the Civil Rights Bill of 1866, passed in view of the Thirteenth Amendment, before the Fourteenth was adopted, undertook to wipe out these burdens and disabilities, the necessary incidents of slavery, constituting its substance and visible form; and

to secure to all citizens of every race and color, and without regard to previous servitude, those fundamental rights which are the essence of civil freedom, namely, the same right to make and enforce contracts, to sue, be parties, give evidence, and to inherit, purchase, lease, sell and convey property, as is enjoyed by white citizens. Whether this legislation was fully authorized by the Thirteenth Amendment alone, without the support which it afterward received from the Fourteenth Amendment, after the adoption of which it was reenacted with some additions, it is not necessary to inquire. It is referred to for the purpose of showing that at that time (in 1866) Congress did not assume, under the authority given by the Thirteenth Amendment, to adjust what may be called the social rights of men and races in the community; but only to declare and vindicate those fundamental rights which appertain to the essence of citizenship, and the enjoyment or deprivation of which constitutes the essential distinction between freedom and slavery.

We must not forget that the province and scope of the Thirteenth and Fourteenth amendments are different; the former simply abolished slavery: the latter prohibited the States from abridging the privileges or immunities of citizens of the United States; from depriving them of life, liberty, or property without due process of law, and from denying to any the equal protection of the laws. The amendments are different, and the powers of Congress under them are different. What Congress has power to do under one, it may not have power to do under the other. Under the Thirteenth Amendment, it has only to do with slavery and its incidents. Under the Fourteenth Amendment, it has power to counteract and render nugatory all State laws and proceedings which have the effect to abridge any of the privileges or immunities of citizens of the United States, or to deprive them of life, liberty or property without due process of law, or to deny to any of them the equal protection of the laws. Under the Thirteenth Amendment, the legislation, so far as necessary or proper to eradicate all forms and incidents of slavery and involuntary servitude, may be direct and primary, operating upon the acts of individuals, whether sanctioned by State legislation or not; under the Fourteenth, as we have already shown, it must necessarily be, and can only be, corrective in its character, addressed to counteract and afford relief against State regulations or proceedings.

The only question under the present head, therefore, is, whether the refusal to any persons of the accommodations of an inn, or a public conveyance, or a place of public amusement, by an individual, and without any sanction or support from any State law or regulation, does inflict upon such persons any manner of servitude, or form of slavery, as those terms are understood in this country? Many wrongs may be obnoxious to the prohibitions of the Fourteenth Amendment which are not, in any just sense, incidents or elements of slavery. Such, for example, would be the taking of private property without due process of law; or allowing persons who have committed certain crimes (horse stealing, for example) to be seized and hung by the posse comitatus without regular trial; or denying to any person, or class of persons, the right to pursue any peaceful avocations allowed to others. What is called class legislation would belong to this category, and would be obnoxious to the prohibitions of the Fourteenth Amendment, but would not necessarily be so to the Thirteenth, when not involving the idea of any subjection of one man to another. The Thirteenth Amendment has respect, not to distinctions of race, or class, or color, but to slavery. The Fourteenth Amendment extends its protection to races and classes, and prohibits any State legislation which has the effect of denying to any race or class, or to any individual, the equal protection of the laws.

Now, conceding, for the sake of the argument, that the admission to an inn, a public conveyance, or a place of public amusement, on equal terms with all other citizens, is the right of every man and all classes of men, is it any more than one of those rights which the States by the Fourteenth Amendment are forbidden to deny to any person? And is the Constitution violated until the denial of the right has some State sanction or authority? Can the act of a mere individual, the owner of the inn, the public conveyance or place of amusement, refusing the accommodation, be justly regarded as imposing any badge of slavery or servitude upon the applicant, or only as inflicting an ordinary civil injury, properly cognizible by the laws of the State, and presumably subject to redress by those laws until the contrary appears?

After giving to these questions all the consideration which their importance demands, we are forced to the conclusion that such an act of refusal has nothing to do with slavery or involuntary servitude, and that if it is violative of any right of the party, his redress is to be sought under the laws of the State; or if those laws are adverse to his rights and do not protect him, his remedy will be found in the corrective legislation which Congress has adopted, or may adopt, for counteracting the effect of State laws, or State action, prohibited by the Fourteenth Amendment. It would be running the slavery argument into the ground to make it apply to every act of discrimination which a person may see fit to make as to the guests he will entertain, or as to the people he will take into his coach or cab or car, or admit to his concert or theatre, or deal with in other matters of intercourse or business. Innkeepers and public carriers, by the laws of all the States, so far as we are aware, are bound, to the extent of their facilities, to furnish proper accommodation to all unobjectionable persons who in good faith apply for them. If the laws themselves make any unjust discrimination, amenable to the prohibitions of the Fourteenth Amendment, Congress has full power to afford a remedy under that amendment and in accordance with it.

When a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the special favorite of the laws, and when his rights as a citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected. There were thousands of free colored people in this country before the abolition of slavery, enjoying all the essential rights of life, liberty and property the same as white citizens; yet no one, at that time, thought that it was any invasion of his personal status as a freeman because he was not admitted to all the privileges enjoyed by white citizens, or because he was subjected to discriminations in the enjoyment of accommodations in inns, public conveyances and places of amusement. Mere discriminations on account of race or color were not regarded as badges of slavery. If since that time the enjoyment of equal rights in all these respects has become established by constitutional enactment it is not by force of the Thirteenth Amendment (which merely abolishes slavery), but by force of the Thirteenth and Fifteenth Amendments.

On the whole we are of opinion, that no countenance of authority for the passage of the law in question can be found in either the Thirteenth or Fourteenth Amendment of the Constitution; and no other ground of authority for its passage being suggested, it must necessarily be declared void, at least so far as its operation in the several States is concerned.

This conclusion disposes of the cases now under consideration. In the cases of the *United States* v. *Michael Ryan*, and of *Richard A. Robinson and Wife* v. *The Memphis & Charleston Railroad Company*, the judgments must be affirmed. In the other cases, the answer to be given will be that the first and second sections of the act of Congress of March 1st, 1875, entitled "An Act to protect all citizens in their civil and legal rights," are unconstitutional and void, and that judgment should be rendered upon the several indictments in those cases accordingly.

And it is so ordered,

MR. JUSTICE HARLAN DISSENTING

The opinion in these cases proceeds, it seems to me, upon grounds entirely too narrow and artificial. I cannot resist the conclusion that the substance and spirit of the recent amendments of the Constitution have been sacrificed by a subtle and ingenious verbal criticism. "It is not the words of the law but the internal sense of it that makes the law: the letter of the law is the body; the sense and reason of the law is the soul." Constitutional provisions, adopted in the interest of liberty, and for the purpose of securing, through national legislation, if need be, rights inhering in a state of freedom, and belonging to American citizenship, have been so construed as to defeat the ends the people desired to accomplish, which they attempted to accomplish, and which they supposed they had accomplished by changes in their fundamental law. By this I do not mean that the determination of these cases should have been materially controlled by considerations of mere expediency or policy. I mean only, in this form, to express an earnest conviction that the court has departed from the familiar rule requiring, in the interpretation of constitutional provisions, that full effect be given to the intent with which they were adopted.

The purpose of the first section of the act of Congress of March 1, 1875, was to prevent race discrimination in respect of the accommodations and facilities of inns, public conveyances, and places of public amusement. It does not assume to define the general conditions and limitations under which inns, public conveyances, and places of public amusement may be conducted, but only declares that such conditions and limitations, whatever they may be, shall not be applied so as to work a discrimination solely because of race, color, or previous condition of servitude. The second section provides a penalty against any one denying, or aiding or inciting the denial, to any citizen, of that equality of right given by the first section, except for reasons by law applicable to citizens of every race or color and regardless of any previous condition of servitude.

There seems to be no substantial difference between my brethren and myself as to the purpose of Congress; for, they say that the essence of the law is, not to declare broadly that all persons shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances, and theatres; but that such enjoyment shall not be subject to conditions applicable only to citizens of a particular race or color, or who had been in a previous condition of servitude. The effect of the statute, the court says, is, that colored citizens, whether formerly slaves or not, and citizens of other races, shall have the same accommodations and privileges in all inns, public conveyances, and places of amusement as are enjoyed by white persons; and vice versa.

The court adjudges, I think erroneously, that Congress is without power, under either the Thirteenth or Fourteenth Amendment, to establish such regulations, and that the

first and second sections of the statute are, in all their parts, unconstitutional and void.

Whether the legislative department of the government has transcended the limits of its constitutional powers, "is at all times," said this court in *Fletcher* v. *Peck*, 6 Cr. 128, "a question of much delicacy, which ought seldom, if ever, to be decided in the affirmative, in a doubtful case. * * * The opposition between the Constitution and the law should be such that the judge feels a clear and strong conviction of their incompatibility with each other." More recently in *Sinking Fund Cases*, 99 U.S., 718, we said: "It is our duty when required in the regular course of judicial proceedings, to declare an act of Congress void if not within the legislative power of the United States, but this declaration should never be made except in a clear case. Every possible presumption is in favor of the validity of a statute, and this continues until the contrary is shown beyond a rational doubt. One branch of the government cannot encroach on the domain of another without danger. The safety of our institutions depends in no small degree on a strict observance of this salutary rule."

Before considering the language and scope of these amendments it will be proper to recall the relations subsisting, prior to their adoption, between the national government and the institution of slavery, as indicated by the provisions of the Constitution, the legislation of Congress, and the decisions of this court. In this mode we may obtain keys with which to open the mind of the people, and discover the thought intended to be expressed.

In section 2 of article IV of the Constitution it was provided that "no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." Under the authority of this clause Congress passed the Fugitive Slave Law of 1793, establishing a mode for the recovery of fugitive slaves, and prescribing a penalty against any person who should knowingly and willingly obstruct or hinder the master, his agent, or attorney, in seizing, arresting, and recovering the fugitive, or who should rescue the fugitive from him, or who should harbor or conceal the slave after notice that he was a fugitive.

In *Prigg* v. *Commonwealth of Pennsylvania*, 16 Det. 539, this court had occasion to define the powers and duties of Congress in reference to fugitives from labor. Speaking by MR. JUSTICE STORY it laid down these propositions:

That a clause of the Constitution conferring a right should not be so construed as to make it shadowy, or unsubstantial, or leave the citizen without a remedial power adequate for its protection, when another construction equally accordant with the words and the sense in which they were used, would enforce and protect the right granted;

That Congress is not restricted to legislation for the execution of its expressly granted powers; but, for the protection of rights guaranteed by the Constitution, may employ such means, not prohibited, as are necessary and proper, or such as are appropriate, to attain the ends proposed;

That the Constitution recognized the master's right of property in his fugitive slave, and, as incidental thereto, the right of seizing and recovering him, regardless of any State law, or regulation, or local custom whatsoever; and,

That the right of the master to have his slave, thus escaping, delivered up on claim, being guaranteed by the Constitution, the fair implication was that the national government was clothed with appropriate authority and functions to enforce it.

The court said: "The fundamental principle, applicable to all cases of this sort, would seem to be that when the end is required the means are given, and when the duty is enjoined the ability to perform it is contemplated to exist on the part of the functionary to whom it is entrusted." Again: "It would be a strange anomaly and forced construction to suppose that the national government meant to rely for the due fulfilment of its own proper duties, and the rights which it intended to secure, upon State legislation, and not upon that of the Union. A fortiori, it would be more objectionable to suppose that a power which was to be the same throughout the Union, should be confided to State sovereignty which could not rightfully act beyond its own territorial limits."

The act of 1793 was, upon these grounds, adjudged to be a constitutional exercise of the powers of Congress.

It is to be observed from the report of Priggs' case that Pennsylvania, by her attorney-general, pressed the argument that the obligation to surrender fugitive slaves was on the States and for the States, subject to the restriction that they should not pass laws or establish regulations liberating such fugitives; that the Constitution did not take from the States the right to determine the status of all persons within their respective jurisdictions; that it was for the State in which the alleged fugitive was found to determine, through her courts or in such modes as she prescribed, whether the person arrested was, in fact, a freeman or a fugitive slave; that the sole power of the general government in the premises was, by judicial instrumentality, to restrain and correct, not to forbid and prevent in the absence of hostile State action; and that, for the general government to assume primary authority to legislate on the subject of fugitive slaves, to the exclusion of the States, would be a dangerous encroachment on State sovereignty. But to such suggestions this court turned a deaf ear, and adjudged that primary legislation by Congress to enforce the master's right was authorized by the Constitution.

We next come to the Fugitive Slave Act of 1850, the constitutionality of which rested, as did that of 1793, solely upon the implied power of Congress to enforce the master's rights. The provisions of that act were far in advance of previous legislation. They placed at the disposal of the master seeking to recover his fugitive slave, substantially the whole power of the nation. It invested commissioners, appointed under the act, with power to summon the posse comitatus for the enforcement of its provisions, and commanded all good citizens to assist in its prompt and efficient execution whenever their services were required as part of the posse comitatus. Without going into the details of that act, it is sufficient to say that Congress omitted from it nothing which the utmost ingenuity could suggest as essential to the successful enforcement of the master's claim to recover his fugitive slave. And this court, in *Ableman* v. *Booth*, 21 How. 506, adjudged it to be "in all of its provisions fully authorized by the Constitution of the United States."

The only other case, prior to the adoption of the recent amendments, to which reference will be made, is that of *Dred Scott* v. *Sanford*, 19 How. 399. That case was instituted in a circuit court of the United States by Dred Scott, claiming to be a citizen of Missouri, the defendant being a citizen of another State. Its object was to assert the title of himself and family to freedom. The defendant pleaded in abatement that Scott—being of African descent, whose ancestors, of pure African blood, were brought into this country and sold as slaves—was not a citizen. The only matter in issue, said the court, was whether the descendants of slaves thus imported and sold, when they should be emancipated, or who were born of parents who had become free before their birth, are citizens of a State in the sense in which the word "citizen" is used in the Constitution of the United States.

In determining that question the court instituted an inquiry as to who were citizens of the several States at the adoption of the Constitution, and who, at that time, were recognized as the people whose rights and liberties had been violated by the British government. The result was a declaration, by this court, speaking by Chief Justice Taney, that the legislation and histories of the times, and the language used in the Declaration of Independence, showed "that neither the class of persons who had been imported as slaves, nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that instrument;" that "they had for more than a century before been regarded as beings of an inferior race, and altogether unfit to associate with the white race, either in social or political relations, and so far inferior that they had no rights which the white man was bound to respect, and that the negro might justly and lawfully be reduced to slavery for his benefit;" that he was "bought and sold, and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it;" and, that "this opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics, which no one thought of disputing, or supposed to be open to dispute; and men in every grade and position in society daily and habitually acted upon it in their private pursuits, as well as in matters of public concern, without for a moment doubting the correctness of this opinion."

The judgment of the court was that the words "people of the United States" and "citizens" meant the same thing, both describing "the political body who, according to our republican institutions, form the sovereignty and hold the power and conduct the government through their representatives;" that "they are what we familiarly call the 'sovereign people,' and every citizen is one of this people and a constituent member of this sovereignty;" but, that the class of persons described in the plea in abatement did not compose a portion of this people, were not "included, and were not intended to be included, under the word 'citizens' in the Constitution;" that, therefore, they could "claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States;" that, "on the contrary, they were at that time considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the government might choose to grant them."

Such were the relations which formerly existed between the governent, whether national or state, an the descendants, whether free or in bondage, of those of African blood, who had been imported into this country and sold as slaves.

The first section of the Thirteenth Amendment provides that "neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." Its second section declares that "Congress shall have power to enforce this article by appropriate legislation." This amendment was followed by the Civil Rights Act of April 9, 1866, which, among other things, provided that "all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the

United States." 14 Stat. 27. The power of Congress, in this mode, to elevate the enfranchised race to national citizenship, was maintained by the supporters of the act of 1866 to be as full and complete as its power, by general statute, to make the children, being of full age, of persons naturalized in this country, citizens of the United States without going through the process of naturalization. The act of 1866, in this respect, was also likened to that of 1843, in which Congress declared "that the Stockbridge tribe of Indians, and each and every one of them, shall be deemed to be and are hereby declared to be, citizens of the United States to all intents and purposes, and shall be entitled to all the rights, privileges, and immunities of such citizens, and shall in all respects be subject to the laws of the United States." If the act of 1866 was valid in conferring national citizenship upon all embraced by its terms, then the colored race, enfranchised by the Thirteenth Amendment, became citizens of the United States prior to the adoption of the Fourteenth Amendment. But, in the view which I take of the present case, it is not necessary to examine this question.

The terms of the Thirteenth Amendment are absolute and universal. They embrace every race which then was, or might thereafter be, within the United States. No race, as such, can be excluded from the benefits or rights thereby conferred. Yet, it is historically true that that amendment was suggested by the condition, in this country, of that race which had been declared, by this court, to have had—according to the opinion entertained by the most civilized portion of the white race, at the time of the adoption of the Constitution—"no rights which the white man was bound to respect," none of the privileges or immunities secured by that instrument to citizens of the United States. It had reference, in a peculiar sense, to a people which (although the larger part of them were in slavery) had been invited by an act of Congress to aid in saving from overthrow a government which, theretofore, by all of its departments, had treated them as an inferior race, with no legal rights or privileges except such as the white race might choose to grant them.

These are the circumstances under which the Thirteenth Amendment was proposed for adoption. They are now recalled only that we may better understand what was in the minds of the people when that amendment was considered, and what were the mischiefs to be remedied and the grievances to be redressed by its adoption.

We have seen that the power of Congress, by legislation, to enforce the master's right to have his slave delivered upon claim was implied from the recognition of that right in the national Constitution. But the power conferred by the Thirteenth Amendment does not rest upon implication or inference. Those who framed it were not ignorant of the discussion, covering many years of our country's history, as to the constitutional power of Congress to enact the Fugitive Slave Laws of 1793 and 1850. When, therefore, it was determined, by a change in the fundamental law, to uproot the institution of slavery wherever it existed in the land, and to establish universal freedom, there was a fixed purpose to place the authority of Congress in the premises beyond the possibility of a doubt. Therefore, ex industria, power to enforce the Thirteenth Amendment, by appropriate legislation, was expressly granted. Legislation for that purpose, my brethren concede, may be direct and primary. But to what specific ends may it be directed? This court has uniformity held that the national government has the power, whether expressly given or not, to secure and protect rights conferred or guaranteed by the Constitution. *United States* v. *Reese*, 92 U.S. 214; *Strauder* v. *West Virginia*, 100 U.S. 303. That doctrine ought not now to be abandoned when the inquiry is not as to an implied power to protect the master's rights, but what may Congress, under powers expressly granted, do for the protection of freedom and the rights necessarily inhering in a state of freedom.

The Thirteenth Amendment, it is conceded, did something more than to prohibit slavery as an institution, resting upon distinctions of race, and upheld by positive law. My brethren admit that it established and decreed universal civil freedom throughout the United States. But did the freedom thus established involve nothing more than exemption from actual slavery? Was nothing more intended than to forbid one man from owning another as property? Was it the purpose of the nation simply to destroy the institution, and then remit the race, theretofore held in bondage, to the several States for such protection, in their civil rights, necessarily growing out of freedom, as those States, in their discretion, might choose to provide? Were the States against whose protest the institution was destroyed, to be left free, so far as national interference was concerned, to make or allow discriminations against that race, as such, in the enjoyment of those fundamental rights which by universal concession, inhere in a state of freedom? Had the Thirteenth Amendment stopped with the sweeping declaration, in its first section, against the existence of slavery and involuntary servitude, except for crime, Congress would have had the power, by implication, according to the doctrines of *Prigg* v. *Commonwealth of Pennsylvania*, repeated in *Strauder* v. *West Virginia*, to protect the freedom established, and consequently, to secure the enjoyment of such civil rights as were fundamental in freedom. That it can exert its authority to that extent is made clear, and was intended to be made clear, by the express grant of power contained in the second section of the Amendment.

That there are burdens and disabilities which constitute badges of slavery and servitude, and that the power to enforce by appropriate legislation the Thirteenth Amendment may be exerted by legislation of a direct and primary character, for the eradication, not simply of the institution, but of its badges and incidents, are propositions which ought to be deemed indisputable. They lie at the foundation of the Civil Rights Act of 1866. Whether that act was authorized by the Thirteenth Amendment alone, without the support which it subsequently received from the Fourteenth Amendment, after the adoption of which it was reenacted with some additions, my brethren do not consider it necessary to inquire. But I submit, with all respect to them, that its constitutionality is conclusively shown by their opinion. They admit, as I have said, that the Thirteenth Amendment established freedom; that there are burdens and disabilities, the necessary incidents of slavery, which constitute its substance and visible form; that Congress, by the act of 1866, passed in view of the Thirteenth Amendment, before the Fourteenth was adopted, undertook to remove certain burdens and disabilities, the necessary incidents of slavery, and to secure to all citizens of every race and color, and without regard to previous servitude, those fundamental rights which are the essence of civil freedom, namely, the same right to make and enforce contracts, to sue, be parties, give evidence, and to inherit, purchase, lease, sell, and convey property as is enjoyed by white citizens; that under the Thirteenth Amendment, Congress has to do with slavery and its incidents; and that legislation, so far as necessary or proper to eradicate all forms and incidents of slavery and involuntary servitude, may be direct and primary, operating upon the acts of individuals, whether sanctioned by State legislation or not.

The propositions being conceded, it is impossible, as it seems to me, to question the constitutional validity of the Civil Rights Act of 1866. I do not contend that the Thirteenth Amendment invests Congress with authority, by legislation, to define and regulate the entire body of the civil rights which citizens enjoy, or may enjoy, in the several States. But I hold that since slavery, as the court has repeatedly declared, *Slaughter-house Cases*, 16 Wall. 36; *Strauder* v. *West Virginia*, 100 U.S. 303, was the moving or principal cause of the adoption of that amendment, and since that institution rested wholly upon the inferiority, as a race, of those held in bondage, their freedom necessarily involved immunity from, and protection against, all discrimination against them, because of their race, in respect of such civil rights as belong to freemen of other races. Congress, therefore, under its express power to enforce that amendment, by appropriate legislation, may enact laws to protect that people against the deprivation, because of their race, of any civil rights granted to other freemen in the same State; and such legislation may be of a direct and primary character, operating upon States, their officers and agents, and, also, upon, at least, such individuals and corporations as exercise public functions and wield power and authority under the State.

To test the correctness of this position, let us suppose that, prior to the adoption of the Fourteenth Amendment, a State had passed a statute denying to freemen of African descent, resident within its limits, the same right which was accorded to white persons, of making and enforcing contracts, and of inheriting, purchasing, leasing, selling, and conveying property; or a statute subjecting colored people to severer punishment for particular offenses than was prescribed for white persons, or excluding that race from the benefit of the laws exempting homesteads from execution. Recall the legislation of 1865–6 in some of the States, of which this court, in the Slaughter House Cases, said, that it imposed upon the colored race onerous disabilities and burdens; curtailed their rights in the pursuit of life, liberty and property to such an extent that their freedom was of little value; forbade them to appear in the towns in any other character than menial servants; required them to reside on and cultivate the soil, without the right to purchase or own it; excluded them from many occupations of gain; and denied them the privilege of giving testimony in the courts where a white man was a party. 16 Wall. 57. Can there be any doubt that all such enactments might have been reached by direct legislation upon the part of Congress under its express power to enforce the Thirteenth Amendment? Would any court have hesitated to declare that such legislation imposed badges of servitude in conflict with the civil freedom ordained by that amendment? That it would have been also in conflict with the Fourteenth Amendment, because inconsistent with the fundamental rights of American citizenship, does not prove that it would have been consistent with the Thirteenth Amendment.

What has been said is sufficient to show that the power of Congress under the Thirteenth Amendment is not necessarily restricted to legislation against slavery as an institution upheld by positive law, but may be exerted to the extent, at least, of protecting the liberated race against discrimination, in respect of legal rights belonging to freemen, where such discrimination is based upon race.

It remains now to inquire what are the legal rights of colored persons in respect of the accommodations, privileges and facilities of public conveyances, inns and places of public amusement?

First, as to public conveyances on land and water. In *New Jersey Steam Navigation Co.*

v. *Merchants' Bank*, 6 How. 344, this court, speaking by Mr. Justice Nelson, said that a common carrier is "in the exercise of a sort of public office, and has public duties to perform, from which he should not be permitted to exonerate himself without the assent of the parties concerned." To the same effect is *Munn* v. *Illinois*, 94 U.S. 113. In *Olcott* v. *Supervisors*, 16 Wall. 678, it was ruled that railroads are public highways, established by authority of the State for the public use; that they are none the less public highways, becaused controlled and owned by private corporations; that it is a part of the function of government to make and maintain highways for the convenience of the public; that no matter who is the agent, or what is the agency, the function performed is that of the State; that although the owners may be private companies, they may be compelled to permit the public to use these works in the manner in which they can be used; that, upon these grounds alone, have the courts sustained the investiture of railroad corporations with the State's right of eminent domain, or the right of municipal corporations, under legislative authority, to assess, levy and collect taxes to aid in the construction of railroads.

So in *Township of Queensbury* v. *Culver*, 19 Wall. 83, it was said that a municipal subscription of railroad stock was in aid of the construction and maintenance of a public highway, and for the promotion of a public use. Again, in *Township of Pine Grove* v. *Talcott*, 19 Wall. 666: "Though the corporation [railroad] was private, its work was public, as much so as if it were to be constructed by the State." To the like effect are numerous adjudications in this and the State courts with which the profession is familiar. The Supreme Judicial Court of Massachusetts in *Inhabitants of Worcester* v. *The Western R.R. Corporation*, 4 Met. 564, said in reference to a railroad:

"The establishment of that great thoroughfare is regarded as a public work, established by public authority, intended for the public use and benefit, the use of which is secured to the whole community, and constitutes, therefore, like a canal, turnpike, or highway, a public easement. It is true that the real and personal property, necessary to the establishment and management of the railroad, is vested in the corporation; but it is in trust for the public." In *Erie, Etc., R.R. Co.* v. *Casey*, 26 Penn. St. 287, the court, referring to an act repealing the charter of a railroad, and under which the State took possession of the road, said: "It is a public highway, solemnly devoted to public use. When the lands were taken it was for such use, or they could not have been taken at all. Railroads established upon land taken by the right of eminent domain by authority of the commonwealth, created by her laws as thoroughfares for commerce, are her highways. No corporation has property in them, though it may have franchises annexed to and exercisable within them."

In many courts it has been held that because of the public interest in such a corporation the land of a railroad company cannot be levied on and sold under execution by a creditor. The sum of the adjudged cases is that a railroad corporation is a governmental agency, created primarily for public purposes, and subject to be controlled for the public benefit. Upon this ground the State, when unfettered by contract, may regulate, in its discretion, the rates of fares of passengers and freight. And upon this ground, too, the State may regulate the entire management of railroads in all matters affecting the convenience and safety of the public; as, for example, by regulating speed, compelling stops of prescribed length at stations, and prohibiting discriminations and favoritism. If the corporation neglect or refuse to discharge its duties to the public, it may be coerced to do so by appropriate proceedings in the name or in behalf of the State.

Such being the relations these corporations hold to the public, it would seem that the right of a colored person to use an improved public highway, upon the terms accorded to freemen of other races, is as fundamental, in the state of freedom established in this country, as are any of the rights which my brethren concede to be so far fundamental as to be deemed the essence of civil freedom. "Personal liberty consists," says Blackstone, "in the power of locomotion, of changing situation, or removing one's person to whatever places one's own inclination may direct, without restraint, unless by due course of law."

But of what value is this right of locomotion, if it may be clogged by such burdens as Congress intended by the act of 1875 to remove? They are burdens which lay at the very foundation of the institution of slavery as it once existed. They are not to be sustained, except upon the assumption that there is, in this land of universal liberty, a class which may still be discriminated against, even in respect of rights of a character so necessary and supreme, that, deprived of their enjoyment in common with others, a freeman is not only branded as one inferior and infected, but, in the competitions of life, is robbed of some of the most essential means of existence; and all this solely because they belong to a particular race which the nation has liberated. The Thirteenth Amendment alone obliterated the race line, so far as all rights fundamental in a state of freedom are concerned.

Second, as to inns. The same general observations which have been made as to railroads are applicable to inns. The word 'inn' has a technical legal signification. It means, in the act of 1875, just what it meant at common law. A mere private boarding-house is not an inn, nor is its keeper subject to the responsibilities, or entitled to the privileges of a common innkeeper. "To constitute one an innkeeper, within the legal force of that term, he must keep a house of entertainment or lodging for all travellers or wayfayers who might choose to accept the same, being of good character or conduct." Redfield on Carriers, etc, § 575. Says Judge Story:

"An innkeeper may be defined to be the keeper of a common inn for the lodging and entertainment of travellers and passengers, their horses and attendants. An innkeeper is bound to take in all travellers and wayfaring persons, and to entertain them, if he can accommodate them, for a reasonable compensation; and he must guard their goods with proper diligence. * * * If an innkeeper improperly refuses to receive or provide for a guest, he is liable to be indicted therefor. * * * They (carriers of passengers) are no more at liberty to refuse a passenger, if they have sufficient room and accommodations, than an innkeeper is to refuse suitable room and accommodations to a guest." Story on Bailments, §§ 475–6.

In *Rex* v. *Ivens*, Carrington & Payne, 213, 32 E. C. L. 495, the court, speaking by Mr. Justice Coleridge, said:

"An indictment lies against an innkeeper who refuses to receive a guest, he having at the time room in his house; and either the price of the guest's entertainment being tendered to him, or such circumstances occurring as will dispense with that tender. This law is founded in good sense. The innkeeper is not to select his guests. He has no right to say to one, you shall come to my inn, and to another you shall not, as every one coming and conducting himself in a proper manner has a right to be received; and for this purpose innkeepers are a sort of public servants, they having in return a kind of privilege of entertaining travellers and supplying them with what they want."

These authorities are sufficient to show that a keeper of an inn is in the exercise of a quasi public employment. The law gives him special privileges and he is charged with certain duties and responsibilities to the public. The public nature of his employment forbids him from discriminating against any person asking admission as a guest on account of the race or color of that person.

Third. As to places of public amusement. It may be argued that the managers of such places have no duties to perform with which the public are, in any legal sense, concerned, or with which the public have any right to interfere; and, that the exclusion of a black man from a place of public amusement, on account of his race, or the denial to him, on that ground, of equal accommodations at such places, violates no legal right for the vindication of which he may invoke the aid of the courts. My answer is, that places of public amusement, within the meaning of the act of 1875, are such as are established and maintained under direct license of the law. The authority to establish and maintain them comes from the public. The colored race is a part of that public. The local government granting the license represents them as well as all other races within its jurisdiction. A license from the public to establish a place of public amusement, imports, in law, equality of right, at such places, among all the members of that public. This must be so, unless it be—which I deny—that the common municipal government of all the people may, in the exertion of its powers, conferred for the benefit of all, discriminate or authorize discrimination against a particular race, solely because of its former condition of servitude.

I also submit, whether it can be said—in view of the doctrines of this court as announced in *Munn* v. *State of Illinois*, 94 U.S. 113, and reaffirmed in *Peik* v. *Chicago & N.W. Railway Co.*, 94 U.S. 164—that the management of places of public amusement is a purely private matter, with which government has no rightful concern? In the Munn case the question was whether the State of Illinois could fix, by law, the maximum of charges for the storage of grain in certain warehouses in that State—the private property of individual citizens. After quoting a remark attributed to Lord Chief Justice Hale, to the effect that when private property is "affected with a public interest it ceases to be juris privati only," the court says:

"Property does become clothed with a public interest when used in a manner to make it of public consequence and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use, but, so long as he maintains the use, he must submit to the control."

The doctrines of *Munn* v. *Illinois* have never been modified by this court, and I am justified, upon the authority of that case, in saying that places of public amusement, conducted under the authority of the law, are clothed with a public interest, because used in a manner to make them of public consequence and to affect the community at large. The law may therefore regulate, to some extent, the mode in which they shall be conducted, and, consequently, the public have rights in respect of such places, which may be vindicated by the law. It is consequently not a matter purely of private concern.

Congress has not, in these matters, entered the domain of State control and supervision. It does not, as I have said, assume to prescribe the general conditions and limitations under which inns, public conveyances, and places of public amusement, shall be conducted or managed. It simply declares, in

effect, that since the nation has established universal freedom in this country, for all time, there shall be no discrimination, based merely upon race or color, in respect of the accommodations and advantages of public conveyances, inns, and places of public amusement.

I am of the opinion that such discrimination practiced by corporations and individuals in the exercise of their public or quasi-public functions is a badge of servitude the imposition of which Congress may prevent under its power, by appropriate legislation, to enforce the Thirteenth Amendment; and, consequently, without reference to its enlarged power under the Fourteenth Amendment, the act of March 1, 1875, is not, in my judgment, repugnant to the Constitution.

It remains now to consider these cases with reference to the power Congress has possessed since the adoption of the Fourteenth Amendment. Much that has been said as to the power of Congress under the Thirteenth Amendment is applicable to this branch of the discussion, and will not be repeated.

Before the adoption of the recent amendments, it had become, as we have seen, the established doctrine of this court that negroes, whose ancestors had been imported and sold as slaves, could not become citizens of a State, or even of the United States, with the rights and privileges guaranteed to citizens by the national Constitution; further, that one might have all the rights and privileges of a citizen of a State without being a citizen in the sense in which that word was used in the national Constitution, and without being entitled to the privileges and immunities of citizens of the several States. Still, further, between the adoption of the Thirteenth Amendment and the proposal by Congress of the Fourteenth Amendment, on June 16, 1866, the statute books of several of the States, as we have seen, had become loaded down with enactments which, under the guise of Apprentice, Vagrant, and Contract regulations, sought to keep the colored race in a condition, practically, of servitude. It was openly announced that whatever might be the rights which persons of that race had, as freemen, under the guarantees of the national Constitution, they could not become citizens of a State, with the privileges belonging to citizens, except by the consent of such State; consequently, that their civil rights, as citizens of the State, depended entirely upon State legislation. To meet this new peril to the black race, that the purposes of the nation might not be doubted or defeated, and by way of further enlargement of the power of Congress, the Fourteenth Amendment was proposed for adoption.

Remembering that this court, in the Slaughter-House cases, declared that the one pervading purpose found in all the recent amendments, lying at the foundation of each, and without which none of them would have been suggested—was "the freedom of the slave race, the security and firm establishment of that freedom, and the protection of the newly-made freeman and citizen from the oppression of those who had formerly exercised unlimited dominion over him"—that each amendment was addressed primarily to the grievances of that race—let us proceed to consider the language of the Fourteenth Amendment.

Its first and fifth sections are in these words:

"SEC. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

* * * * *

"SEC. 5. That Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

It was adjudged in *Strauder* v. *West Virginia*, 100 U.S. 303, and *Ex parte Virginia*, 100 U.S. 339, and my brethren concede, that positive rights and privileges were intended to be secured, and are in fact secured, by the Fourteenth Amendment.

But when, under what circumstances, and to what extent, may Congress, by means of legislation, exert its power to enforce the provisions of this amendment? The theory of the opinion of the majority of the court—the foundation upon which their reasoning seems to rest—is, that the general government cannot, in advance of hostile State laws or hostile State proceedings, actively interfere for the protection of any of the rights, privileges, and immunities secured by the Fourteenth Amendment. It is said that such rights, privileges, and immunities are secured by way of prohibition against State laws and State proceedings affecting such rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibition into effect; also, that congressional legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect.

In illustration of its position, the court refers to the clause of the Constitution forbidding the passage by a State of any law impairing the obligation of contracts. That clause does not, I submit, furnish a proper illustration of the scope and effect of the fifth section of the Fourteenth Amendment. No express power is given Congress to enforce, by primary direct legislation, the prohibition upon State laws impairing the obligation of contracts. Authority is, indeed, conferred to enact all necessary and proper laws for carrying into execution the enumerated powers of Congress and all other powers vested by the Constitution in the government of the United States or in any department or officer thereof. And, as heretofore shown, there is also, by necessary implication, power in Congress, by legislation, to protect a right derived from the national Constitution. But a prohibition upon a State is not a power in Congress or in the national government. It is simply a denial of power to the State. And the only mode in which the inhibition upon State laws impairing the obligation of contracts can be enforced, is, indirectly, through the courts, in suits where the parties raise some question as to the constitutional validity of such laws. The judicial power of the United States extends to such suits for the reason that they are suits arising under the Constitution. The Fourteenth Amendment presents the first instance in our history of the investiture of Congress with affirmative power, by legislation, to enforce an express prohibition upon the States. It is not said that the judicial power of the nation may be exerted for the enforcement of that amendment. No enlargement of the judicial power was required, for it is clear that had the fifth section of the Fourteenth Amendment been entirely omitted, the judiciary could have stricken down all State laws and nullified all State proceedings in hostility to rights and privileges secured or recognized by that amendment. The power given is, in terms, by congressional legislation, to enforce the provisions of the amendment.

The assumption that this amendment consists wholly of prohibitions upon State laws and State proceedings in hostility to its provisions, is unauthorized by its language. The first clause of the first section—"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside"—is of a distinctly affirmative character. In its application to the colored race, previously liberated, it created and granted, as well citizenship of the United States, as citizenship of the State in which they respectively resided. It introduced all of that race, whose ancestors had been imported and sold as slaves, at once, into the political community known as the "People of the United States." They became, instantly, citizens of the United States, and of their respective States. Further, they were brought, by this supreme act of the nation, within the direct operation of that provision of the Constitution which declares that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." Art. 4, § 2.

The citizenship thus acquired, by that race, in virtue of an affirmative grant from the nation, may be protected, not alone by the judicial branch of the government, but by congressional legislation of a primary direct character; this, because the power of Congress is not restricted to the enforcement of prohibitions upon State laws or State action. It is, in terms distinct and positive, to enforce "the provisions of this article" of amendment; not simply those of a prohibitive character, but the provisions—all of the provisions—affirmative and prohibitive, of the amendment. It is, therefore, a grave misconception to suppose that the fifth section of the amendment has reference exclusively to express prohibitions upon State laws or State action. If any right was created by that amendment, the grant of power, through appropriate legislation, to enforce its provisions, authorizes Congress, by means of legislation, operating throughout the entire Union, to guard, secure, and protect that right.

It is, therefore, an essential inquiry what, if any, right, privilege or immunity was given, by the nation, to colored persons, when they were made citizens of the State in which they reside? Did the constitutional grant of State citizenship to that race, of its own force, invest them with any rights, privileges and immunities whatever? That they became entitled, upon the adoption of the Fourteenth Amendment, "to all privileges and immunities of citizens in the several States," within the meaning of section 2 of article 4 of the Constitution, no one, I suppose, will for a moment question. What are the privileges and immunities to which, by that clause of the Constitution, they became entitled? To this it may be answered, generally, upon the authority of the adjudged cases, that they are those which are fundamental in citizenship in a free republican government, such as are "common to the citizens of the latter States under their constitutions and laws by virtue of their being citizens." Of that provision it has been said, with the approval of this court, that no other one in the Constitution has tended so strongly to constitute the citizens of the United States one people. *Ward* v. *Maryland*, 12 Wall. 418; *Corfield* v. *Coryell*, 4 Wash. C. C. 371; *Paul* v. *Virginia*, 8 Wall. 168; *Slaughter-house* cases, 16 id. 36.

Although this court has wisely forborne any attempt, by a comprehensive definition, to indicate all of the privileges and immunities to which the citizen of a State is entitled, of right, when within the jurisdiction of other States, I hazard nothing, in view of former adjudications, in saying that no State can sustain her denial to colored citizens of other States, while within her limits, of privileges or immunities, fundamental in republican citizenship, upon the ground that she accords such privileges and immunities only to her white citizens and withholds them from her colored citizens. The colored citizens of other States, within the jurisdiction of that State, could claim, in virtue of section 2 of article 4 of the

Constitution, every privilege and immunity which that State secures to her white citizens. Otherwise, it would be in the power of any State, by discriminating class legislation against its own citizens of a particular race or color, to withhold from citizens of other States, belonging to that proscribed race or color, to withhold from citizens of immunities of the character regarded by all courts as fundamental in citizenship; and that, too, when the constitutional guaranty is that the citizens of each State shall be entitled to "all privileges and immunities of citizens of the several States." No State may, by discrimination against a portion of its own citizens of a particular race, in respect of privileges and immunities fundamental in citizenship, impair the constitutional right of citizens of other States, of whatever race, to enjoy in that State all such privileges and immunities as are there accorded to her most favored citizens. A colored citizen of Ohio or Indiana, while in the jurisdiction of Tennessee, is entitled to enjoy any privilege or immunity, fundamental in citizenship, which is given to citizens of the white race in the latter State. It is not to be supposed that any one will controvert this proposition.

But what was secured to colored citizens of the United States—as between them and their respective States—by the national grant to them of State citizenship? With what rights, privileges, or immunities did this grant invest them? There is one, if there be no other—exemption from race discrimination in respect of any civil right belonging to citizens of the white race in the same State. That, surely, is their constitutional privilege when within the jurisdiction of other States. And such must be their constitutional right, in their own State, unless the recent amendments be splendid baubles, thrown out to delude those who deserved fair and generous treatment at the hands of the nation. Citizenship in this country necessarily imports at least equality of civil rights among citizens of every race in the same State. It is fundamental in American citizenship that, in respect of such rights, there shall be no discrimination by the State, or its officers, or by individuals or corporations exercising public functions or authority, against any citizen because of his race or previous condition of servitude. In *United States* v. *Kruikshank*, 92 U.S. 542, it was said at page 555, that the rights of life and personal liberty are natural rights of man, and that "the equality of the rights of citizens is a principle of republicanism." And in *Ex parte Virginia*, 100 U.S. 334, the emphatic language of this court is that "one great purpose of these amendments was to raise the colored race from that condition of inferiority and servitude in which most of them had previously stood, into perfect equality of civil rights with all other persons within the jurisdiction of the States." So, in *Strauder* v. *West Virginia*, 100 U.S. 306, the court, alluding to the Fourteenth Amendment, said: "This is one of a series of constitutional provisions having a common purpose, namely, securing to a race recently emancipated, a race that through many generations had been held in slavery, all the civil rights that the superior race enjoy." Again, in *Neal* v. *Delaware*, 103 U.S. 386, it was ruled that this amendment was designed, primarily, "to secure to the colored race, thereby invested with the rights, privileges, and responsibilities of citizenship, the enjoyment of all the civil rights that, under the law, are enjoyed by white persons."

The language of this court with reference to the Fifteenth Amendment, adds to the force of this view. In *United States* v. *Cruikshank*, it was said: "In *United States* v. *Reese*, 92 U.S. 214, we held that the Fifteenth Amendment has invested the citizens of the United States with a new constitutional right, which is exemption from discrimination in the exercise of the elective franchise, on account of race, color, or previous condition of servitude. From this it appears that the right of suffrage is not a necessary attribute of national citizenship, but that exemption from discrimination in the exercise of that right on account of race, et cetera, is. The right to vote in the States comes from the States; but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States, but the last has been."

Here, in language at once clear and forcible, is stated the principle for which I contend. It can scarcely be claimed that exemption from race discrimination, in respect of civil rights, against those to whom State citizenship was granted by the nation, is any less, for the colored race, a new constitutional right, derived from and secured by the national Constitution, than is exemption from such discrimination in the exercise of the elective franchise. It cannot be that the latter is an attribute of national citizenship, while the other is not essential in national citizenship, or fundamental in State citizenship.

If, then, exemption from discrimination, in respect of civil rights, is a new constitutional right, secured by the grant of State citizenship to colored citizens of the United States—and I do not see how this can now be questioned—why may not the nation, by means of its own legislation of a primary direct character, guard, protect and enforce that right? It is a right and privilege which the nation conferred. It did not come from the States in which those colored citizens reside. It has been the established doctrine of this court during all its history, accepted as essential to the national supremacy, that Congress, in the absence of a positive delegation of power to the State legislatures, may, by its own legislation, enforce and protect any right derived from or created by the national Constitution. It was so declared in *Prigg* v. *Commonwealth of Pennsylvania*. It was reiterated in *United States* v. *Reese*, 92 U.S. 214, where the court said that "rights and immunities created by and dependent upon the Constitution of the United States can be protected by Congress. The form and manner of the protection may be such as Congress, in the legitimate exercise of its discretion, shall provide. These may be varied to meet the necessities of the particular right to be protected." It was distinctly reaffirmed in *Strauder* v. *West Virginia*, 100 U.S. 310, where we said that "a right or immunity created by the Constitution or only guaranteed by it, even without any express delegation of power, may be protected by Congress." How then can it be claimed in view of the declarations of this court in former cases, that exemption of colored citizens, within their States, from race discrimination, in respect of the civil rights of citizens, is not an immunity created or derived from the national Constitution?

The court has always given a broad and liberal construction to the Constitution, so as to enable Congress, by legislation, to enforce rights secured by that instrument. The legislation which Congress may enact, in execution of its power to enforce the provisions of this amendment, is such as may be appropriate to protect the right granted. The word appropriate was undoubtedly used with reference to its meaning, as established by repeated decisions of this court. Under given circumstances, that which the court characterizes as corrective legislation might be deemed by Congress appropriate and entirely sufficient. Under other circumstances primary direct legislation may be required. But it is for Congress, not the judiciary, to say what legislation is appropriate—that is—best adapted to the end to be attained. The judiciary may not, with safety to our institutions, enter the domain of legislative discretion, and dictate the means which Congress shall employ in the exercise of its granted powers. That would be sheer usurpation of the functions of a co-ordinate department, which, if often repeated, and permanently acquiesced in, would work a radical change in our system of government. In *United States* v. *Fisher*, 2 Cr. 358, the court said that "Congress must possess the choice of means, and must be empowered to use any means which are in fact conducive to the exercise of a power granted by the Constitution." "The sound construction of the Constitution," said Chief Justice Marshall, "must allow to the national legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional." *McCulloch* v. *Maryland*, 4 Wh. 421.

Must these rules of construction be now abandoned? Are the powers of the national legislature to be restrained in proportion as the rights and privileges, derived from the nation, are valuable? Are constitutional provisions, enacted to secure the dearest rights of freemen and citizens, to be subjected to that rule of construction, applicable to private instruments, which requires that the words to be interpreted must be taken most strongly against those who employ them? Or shall it be remembered that "a constitution of government, founded by the people for themselves and their posterity, and for objects of the most momentous nature—for perpetual union, for the establishment of justice, for the general welfare, and for a perpetuation of the blessings of liberty—necessarily requires that every interpretation of its powers should have a constant reference to these objects? No interpretation of the words in which those powers are granted can be a sound one, which narrows down their ordinary import so as to defeat those objects." 1 Story Const. § 422.

The opinion of the court, as I have said, proceeds upon the ground that the power of Congress to legislate for the protection of the rights and privileges secured by the Fourteenth Amendment cannot be brought into activity except with the view, and as it may become necessary, to correct and annul State laws and State proceedings in hostility to such rights and privileges. In the absence of State laws or State action adverse to such rights and privileges, the nation may not actively interfere for their protection and security, even against corporations and individuals exercising public or quasi public functions. Such I understand to be the position of my brethren. If the grant to colored citizens of the United States of citizenship in their respective States, imports exemption from race discrimination, in their States, in respect of such civil rights as belong to citizenship, then, to hold that the amendment remits that right to the States for their protection, primarily, and stays the hands of the nation, until it is assailed by State laws or State proceedings, is to adjudge that the amendment, so far from enlarging the powers of Congress—as we have heretofore said it did—not only curtails them, but reverses the policy which the general government has pursued from its very organization. Such an interpretation of the amendment is a denial to Congress of the power, by appropriate legislation, to enforce one of its provisions. In view of the circumstances under which the recent amendments were incorporated into the Constitution, and especially in view of the peculiar character of the new rights they created and secured, it ought not

to be presumed that the general government has abdicated its authority, by national legislation, direct and primary in its character, to guard and protect privileges and immunities secured by that instrument.

Such an interpretation of the Constitution ought not to be accepted if it be possible to avoid it. Its acceptance would lead to this anomalous result: that whereas, prior to the amendments, Congress, with the sanction of this court, passed the most stringent laws—operating directly and primarily upon States and their officers and agents, as well as upon individuals—in vindication of slavery and the right of the master, it may not now, by legislation of a like primary and direct character, guard, protect, and secure the freedom established, and the most essential right of the citizenship granted, by the constitutional amendments. With all respect for the opinion of others, I insist that the national legislature may, without transcending the limits of the Constitution, do for human liberty and the fundamental rights of American citizenship, what it did, with the sanction of this court, for the protection of slavery and the rights of the masters of fugitive slaves. If fugitive slave laws, providing modes and prescribing penalties, whereby the master could seize and recover his fugitive slave, were legitimate exertions of an implied power to protect and enforce a right recognized by the Constitution, why shall the hands of Congress be tied, so that—under an express power, by appropriate legislation, to enforce a constitutional provision granting citizenship—it may not, by means of direct legislation, bring the whole power of this Nation to bear upon States and their officers, and upon such individuals and corporations exercising public functions as assume to abridge, impair, or deny rights confessedly secured by the supreme law of the land?

It does not seem to me that the fact that, by the second clause of the first section of the Fourteenth Amendment, the States are expressly prohibited from making or enforcing laws abridging the privileges and immunities of citizens of the United States, furnishes any sufficient reason for holding or maintaining that the amendment was intended to deny Congress the power, by general, primary, and direct legislation, of protecting citizens of the several States, being also citizens of the United States, against all discrimination, in respect of their rights as citizens, which is founded on race, color, or previous condition of servitude.

Such an interpretation of the amendment is plainly repugnant to its fifth section, conferring upon Congress power, by appropriate legislation, to enforce not merely the provisions containing prohibitions upon the States, but all of the provisions of the amendment, including the provisions, express and implied, in the first clause of the first section of the article granting citizenship. This alone is sufficient for holding that Congress is not restricted to the enactment of laws adapted to counteract and redress the operation of State legislation, or the action of State officers, of the character prohibited by the amendment. It was perfectly well known that the great danger to the equal enjoyment by citizens of their rights, as citizens, was to be apprehended not altogether from unfriendly State legislation, but from the hostile action of corporations and individuals in the States. And it is to be presumed that it was intended, by that section, to clothe Congress with power and authority to meet that danger.

If the rights intended to be secured by the act of 1875 are such as belong to the citizen, in common or equally with other citizens in the same State, then it is not to be denied that such legislation is peculiarly appropriate to the end which Congress is authorized to accomplish, viz., to protect the citizen, in respect of such rights, against discrimination on account of his race. Recurring to the specific prohibition in the Fourteenth Amendment upon the making or enforcing of State laws abridging the privileges of citizens of the United States, I remark that if, as held in the Slaughter-House cases, the privileges here referred to were those which belonged to citizenship of the United States, as distinguished from those belonging to State citizenship, it was impossible for any State prior to the adoption of that amendment to have enforced laws of that character. The judiciary could have annulled all such legislation under the provision that the Constitution shall be the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding. The States were already under an implied prohibition not to abridge any privilege or immunity belonging to citizens of the United States as such. Consequently, the prohibition upon State laws in hostility to rights belonging to citizens of the United States, was intended—in view of the introduction into the body of citizens of a race formerly denied the essential rights of citizenship—only as an express limitation on the powers of the States, and was not intended to diminish, in the slightest degree, the authority which the nation has always exercised, of protecting, by means of its own direct legislation, rights created or secured by the Constitution. Any purpose to diminish the national authority in respect of privileges derived from the nation is distinctly negatived by the express grant of power, by legislation, to enforce every provision of the amendment, including that which, by the grant of citizenship in the State, secures exemption from race discrimination in respect of the civil rights of citizens.

It is said that any interpretation of the Fourteenth Amendment different from that adopted by the majority of the court, would imply that Congress had authority to enact a municipal code for all the States, covering every matter affecting the life, liberty, and property of the citizens of the several States. Not so. Prior to the adoption of that amendment the constitutions of the several States, without perhaps an exception, secured all persons against deprivation of life, liberty, or property, otherwise than by due process of law, and, in some form, recognized the right of all persons to the equal protection of the laws. Those rights, therefore, existed before that amendment was proposed or adopted, and were not created by it. If, by reason of that fact, it be assumed that protection in these rights of persons still rests primarily with the States, and that Congress may not interfere except to enforce, by means of corrective legislation, the prohibitions upon State laws or State proceedings inconsistent with those rights, it does not at all follow, that privileges which have been granted by the Nation, may not be protected by primary legislation upon the part of Congress. The personal rights and immunities recognized in the prohibitive clauses of the amendment were, prior to its adoption, under the protection, primarily, of the States, while rights, created by or derived from the United States, have always been, and, in the nature of things, should always be, primarily, under the protection of the general government.

Exemption from race discrimination in respect of the civil rights which are fundamental in citizenship in a republican government, is, as we have seen, a new right, created by the nation, with express power in Congress, by legislation, to enforce the constitutional provision from which it is derived. If, in some sense, such race discrimination is, within the letter of the last clause of the first section, a denial of that equal protection of the laws which is secured against State denial to all persons, whether citizens or not, it cannot be possible that a mere prohibition upon such State denial, or a prohibition upon State laws abridging the privileges and immunities of citizens of the United States, takes from the nation the power which it has uniformly exercised of protecting, by direct primary legislation, those privileges and immunities which existed under the Constitution before the adoption of the Fourteenth Amendment, or have been created by that amendment in behalf of those thereby made citizens of their respective States.

This construction does not in any degree intrench upon the just rights of the States in the control of their domestic affairs. It simply recognizes the enlarged powers conferred by the recent amendments upon the general government. In the view which I take of those amendments, the States possess the same authority which they have always had to define and regulate the civil rights which their own people, in virtue of State citizenship, may enjoy within their respective limits; except that its exercise is now subject to the expressly granted power of Congress, by legislation, to enforce the provisions of such amendments—a power which necessarily carries with it authority, by national legislation, to protect and secure the privileges and immunities which are created by or are derived from those amendments. That exemption of citizens from discrimination based on race or color, in respect of civil rights, is one of those privileges or immunities, can no longer be deemed an open question in this court.

It was said of the case of *Dred Scott* v. *Sandford*, that this court, there overruled the action of two generations, virtually inserted a new clause in the Constitution, changed its character, and made a new departure in the workings of the federal government. I may be permitted to say that if the recent amendments are so construed that Congress may not, in its own discretion, and independently of the action or nonaction of the States, provide, by legislation of a direct character, for the security of rights created by the national Constitution; if it be adjudged that the obligation to protect the fundamental privileges and immunities granted by the Fourteenth Amendment to citizens residing in the several States, rests primarily, not on the nation, but on the States; if it be further adjudged that individuals and corporations, exercising public functions, or wielding power under public authority, may, without liability to direct primary legislation on the part of Congress, make the race of citizens the ground for denying them that equality of civil rights which the Constitution ordains as a principle of republican citizenship; then, not only the foundations upon which the national supremacy has always securely rested will be materially disturbed, but we shall enter upon an era of constitutional law, when the rights of freedom and American citizenship cannot receive from the nation that efficient protection which heretofore was unhesitatingly accorded to slavery and the rights of the master.

But if it were conceded that the power of Congress could not be brought into activity until the rights specified in the act of 1875 had been abridged or denied by some State law or State action, I maintain that the decision of the court is erroneous. There has been adverse State action within the Fourteenth Amendment as heretofore interpreted by this court. I allude to *Ex parte Virginia*, *supra*. It appears, in that case, that one Cole, judge of a county court, was charged with the duty, by the laws of Virginia, of selecting grand and petit jurors. The law of the State did not authorize or permit him, in making such selections, to discriminate against colored citizens because of their race. But he was indicted in the federal court, under the act of 1875, for making such discriminations. The attorney-general of Virginia contended before us, that the State had

done its duty, and had not authorized or directed that county judge to do what he was charged with having done; that the State had not denied to the colored race the equal protection of the laws; and that consequently the act of Cole must be deemed his individual act, in contravention of the will of the State. Plausible as this argument was, it failed to convince this court, and after saying that the Fourteenth Amendment had reference to the political body denominated a State, "by whatever instruments or in whatever modes that action may be taken," and that a State acts by its legislative, executive, and judicial authorities, and can act in no other way, we proceeded:

"The constitutional provision, therefore, must mean that no agency of the State, or of the officers or agents by whom its powers are exerted, shall deny to any person within its jurisdiction the equal protection of the laws. Whoever, by virtue of public position under a State government, deprives another of property, life, or liberty without due process of law, or denies or takes away the equal protection of the laws, violates the constitutional inhibition; and, as he acts under the name and for the State, and is clothed with the State's power, his act is that of the State. This must be so, or the constitutional prohibition has no meaning. Then the State has clothed one of its agents with power to annul or evade it. But the constitutional amendment was ordained for a purpose. It was to secure equal rights to all persons, and, to insure to all persons the enjoyment of such rights, power was given to Congress to enforce its provisions by appropriate legislation. Such legislation must act upon persons, not upon the abstract thing denominated a State, but upon the persons who are the agents of the State, in the denial of the rights which were intended to be secured." *Ex parte Virginia*, 100 U.S. 346–7.

In every material sense applicable to the practical enforcement of the Fourteenth Amendment, railroad corporations, keepers of inns, and managers of places of public amusement are agents or instrumentalities of the State, because they are charged with duties to the public, and are amenable, in respect to their duties and functions, to governmental regulation. It seems to me that, within the principle settled in *Ex parte Virginia*, a denial, by these instrumentalities of the State, to the citizen, because of his race, of that equality of civil rights secured to him by law, is a denial by the State, within the meaning of the Fourteenth Amendment. If it be not, then that race is left, in respect of the civil rights in question, practically at the mercy of corporations and individuals wielding power under the States.

But the court says that Congress did not, in the act of 1866, assume, under the authority given by the Thirteenth Amendment, to adjust what may be called the social rights of men and races in the community. I agree that government has nothing to do with social, as distinguished from technically legal, rights of individuals. No government ever has brought, or ever can bring, its people into social intercourse against their wishes. Whether one person will permit or maintain social relations with another is a matter with which government has no concern. I agree that if one citizen chooses not to hold social intercourse with another, he is not and cannot be made amenable to the law for his conduct in that regard; for no legal right of a citizen is violated by the refusal of others to maintain merely social relations with him, even upon grounds of race. What I affirm is that no State, nor the officers of any State, nor any corporation or individual wielding power under State authority for the public benefit or the public convenience, can, consistently either with the freedom established by the fundamental law, or with that equality of civil rights which now belongs to every citizen, discriminate against freemen or citizens, in those rights, because of their race, or because they once labored under the disabilities of slavery imposed upon them as a race.

The rights which Congress, by the act of 1875, endeavored to secure and protect are legal, not social rights. The right, for instance, of a colored citizen to use the accommodations of a public highway, upon the same terms as are permitted to white citizens, is no more a social right than his right, under the law, to use the public streets of a city or a town, or a turnpike road, or a public market, or a post office, or his right to sit in a public building with others, of whatever race, for the purpose of hearing the political questions of the day discussed. Scarcely a day passes without our seeing in this court-room citizens of the white and black races sitting side by side, watching the progress of our business. It would never occur to any one that the presence of a colored citizen in a court-house, or court-room, was an invasion of the social rights of white persons who may frequent such places. And yet, such a suggestion would be quite as sound in law—I say it with all respect—as is the suggestion that the claim of a colored citizen to use, upon the same terms as is permitted to white citizens, the accommodations of public highways, or public inns, or places of public amusement, established under the license of the law, is an invasion of the social rights of the white race.

The court, in its opinion, reserves the question whether Congress, in the exercise of its power to regulate commerce amongst the several States, might or might not pass a law regulating rights in public conveyances passing from one State to another. I beg to suggest that that precise question was substantially presented here in the only one of these cases relating to railroads—*Robinson and Wife* v. *Memphis & Charleston Railroad Company*. In that case it appears that Mrs. Robinson, a citizen of Mississippi, purchased a railroad ticket entitling her to be carried from Grand Junction, Tennessee, to Lynchburg, Virginia. Might not the act of 1875 be maintained in that case, as applicable at least to commerce between the States, notwithstanding it does not, upon its face, profess to have been passed in pursuance of the power of Congress to regulate commerce? Has it ever been held that the judiciary should overturn a statute, because the legislative department did not accurately recite therein the particular provision of the Constitution authorizing its enactment? We have often enforced municipal bonds in aid of railroad subscriptions, where they failed to recite the statute authorizing their issue, but recited one which did not sustain their validity. The inquiry in such cases has been, was there, in any statute, authority for the execution of the bonds? Upon this branch of the case, it may be remarked that the State of Louisiana, in 1869, passed a statute giving to passengers, without regard to race or color, equality of right in the accommodations of railroad and street cars, steamboats or other water crafts, stage coaches, omnibuses, or other vehicles. But in *Hall* v. *De Cuir*, 95 U.S. 487, that act was pronounced unconstitutional so far is it related to commerce between the States, this court saying that "if the public good requires such legislation it must come from Congress, and not from the States."

I suggest, that it may become a pertinent inquiry whether Congress may, in the exertion of its power to regulate commerce among the States, enforce among passengers on public conveyances, equality of right, without regard to race, color or previous condition of servitude, if it be true—which I do not admit—that such legislation would be an interference by government with the social rights of the people.

My brethren say, that when a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the special favorite of the laws, and when his rights as a citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected. It is, I submit, scarcely just to say that the colored race has been the special favorite of the laws. The statute of 1875, now adjudged to be unconstitutional, is for the benefit of citizens of every race and color. What the Nation, through Congress, has sought to accomplish in reference to that race, is—what had already been done in every State of the Union for the white race—to secure and protect rights belonging to them as freemen and citizens; nothing more. It was not deemed enough "to help the feeble up, but to support him after." The one underlying purpose of congressional legislation has been to enable the black race to take the rank of mere citizens. The difficulty has been to compel a recognition of the legal right of the black race to take the rank of citizens, and to secure the enjoyment of privileges belonging, under the law, to them as a component part of the people for whose welfare and happiness government is ordained.

At every step, in this direction, the nation has been confronted, with class tyranny, which a contemporary English historian says is, of all tyrannies, the most intolerable, "for it is ubiquitous in its operation, and weighs, perhaps, most heavily on those whose obscurity or distance would withdraw them from the notice of a single despot." To-day, it is the colored race which is denied, by corporations and individuals wielding public authority, rights fundamental in their freedom and citizenship. At some future time, it may be that some other race will fall under the ban of race discrimination. If the constitutional amendments be enforced, according to the intent with which, as I conceive, they were adopted, there cannot be, in this republic, any class of human beings in practical subjection to another class, with power in the latter to dole out to the former just such privileges as they may choose to grant. The supreme law of the land has decreed that no authority shall be exercised in this country upon the basis of discrimination, in respect of civil rights, against freemen and citizens because of their race, color, or previous condition of servitude. To that decree—for the due enforcement of which, by appropriate legislation, Congress has been invested with express power—every one must bow, whatever may have been, or whatever now are, his individual views as to the wisdom or policy, either of the recent changes in the fundamental law, or of the legislation which has been enacted to give them effect.

For the reasons stated I feel constrained to withhold my assent to the opinion of the court.

STATEMENT BY SENATOR FONG

I am pleased to cosponsor two bills with the distinguished senior Senator from Kentucky, Senator COOPER. One proposal would desegregate our public schools and the second proposal would prohibit racial discrimination in certain public accommodations.

The school desegregation measure would protect the right of children to attend public schools without discrimination. We all know that education is the bedrock of our constitutional form of government. It is the foundation on which the success of our democracy and our free economy ultimately rest.

The 14th amendment to the Constitution guarantees all Americans the equal pro-

tection of the laws. It guarantees that our children shall not be discriminated against in their right to enter public schools.

Nine years have passed since the U.S. Supreme Court, enforcing this constitutional protection, declared that segregation in the public schools was contrary to the supreme law of the land. It has been 8 years since the High Court ordered the States to make a "prompt and reasonable start" toward full compliance with that ruling, and to admit pupils on a racially nondiscriminatory basis "with all deliberate speed."

Yet, since that landmark decision, the Civil Rights Commission found that "The Nation's progress in removing * * * segregation in the public * * * schools—north, south, east, and west—is slow indeed."

The proposal we now introduce would allow the Attorney General to initiate school desegregation suits and permit the Government to bear the cost of such suits.

The Congress enacted the same remedy for voting rights cases in the Civil Rights Act of 1957.

By providing the Attorney General the authority to secure the right of children to attend a desegregated school, all our citizens would be given an equal educational opportunity.

The second bill which I jointly sponsor with Senator COOPER would prohibit racial discrimination in facilities providing accommodations for public use, such as hotels, restaurants, theaters, parks, and playgrounds.

All Americans, regardless of race, should have equal access to such public facilities.

It was the great Justice John Marshal Harlan, grandfather of the present Justice Harlan, who in 1883 pointed out that State-licensed activities fell within the purview of the 14th amendment's guarantees.

The President himself has said that, "No act is more contrary to the spirit of our democracy and Constitution—or more rightly resented by a * * * citizen who seeks only equal treatment—than the barring of that citizen from restaurants, hotels, theaters, recreational areas, and other public accommodations and facilities."

The present measure allows persons who are denied the use of any public accommodations because of race, color, or creed to sue for damages and for an injunction. In addition, it would give the Attorney General power to prevent discrimination against anyone in a public facility.

These proposals, which have bipartisan support, merit serious consideration and should be passed by the Congress.

By enacting these two measures, we would be proclaiming that equal treatment and opportunity under the law are not only promised by the Constitution, but also enforced by the representatives of the American people in Congress.

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

Mr. COOPER. I yield.

Mr. DODD. I thank my colleague for yielding.

Mr. President, I am more than pleased to join my distinguished colleague, the Senator from Kentucky [Mr. COOPER], in sponsoring two bills aimed at the protection of the rights guaranteed to all Americans by the 14th and 15th amendments to the Constitution.

The Senator from Kentucky is a very modest man, as all of us who are privileged to serve with him in the Senate know. He is a worthy man, a compassionate man, a just man. In his modesty I know he has given me too much credit for the little I have had to do in cooperating with him on these two important bills, and on the voting rights bill which he and I introduced some time ago. The Senator from Kentucky has done the greatest amount of work. He deserves whatever credit is due—and I think considerable credit is due—for the work on these two bills.

As the Senator from Kentucky pointed out, the first bill is designed to implement the Brown desegregation decision of the Supreme Court by enforcing the right of all qualified persons to attend desegregated public schools.

Nine years have passed since the Supreme Court ordered the desegregation of all public schools with "deliberate speed." The Senator from Kentucky [Mr. COOPER] and I feel that the time is long overdue for the Congress to act to uphold the action of the Supreme Court.

At the present time, the road leading to school desegregation in any given locality is a long and tortuous one. The burdens of bringing a desegregation case successfully through the courts fall primarily upon humble, private citizens.

A single child, a single family, must endure the burdens that should be carried by society as a whole. For it is they who must secure legal assistance, bring suit, suffer the abuse, the emotional tension, the fear of physical and financial harm that attends these situations.

The bill which we offer today would empower the Attorney General to take up these burdens and to launch an organized assault upon school segregation wherever it exists. Upon receipt of a written allegation that an individual is being deprived of his rights to the legal protection of the laws with respect to attendance at a public school, the Attorney General's Office would be authorized to institute a civil action in the Federal district courts against any person responsible for denying these constitutional rights.

This bill would make of the Federal Government what it ought to be in this grave constitutional struggle, and that is the advocate and the guardian of the rights of all Americans.

The second bill is designed to prohibit racial discrimination in obtaining the advantages, privileges, and facilities of business activities open to the public which are conducted under State license.

This bill would strike down the exclusion of Negroes from business establishments which offer for sale or use to the public foods, goods, accommodations, transportation facilities, and related services. This bill would authorize the Attorney General, or the injured party, to institute civil action against any person who deprives any other person of equal access to these activities.

The Attorney General would seek court orders ordering such discrimination to cease, and violation of such orders would be subject to the contempt provisions of the Federal courts.

We believe that a business enterprise, though it be privately operated, takes on a public character when it receives a State license to conduct business with the public. We believe that every citizen has a right to equal treatment in places of business that are open to the general public and we believe that this right should be written into the law with appropriate enforcement provisions.

Under the bill, the Attorney General would seek court orders ordering such discrimination to cease, and the violation of such orders would be subject to the contempt provisions of the Federal courts.

The enforcement provisions of this bill go beyond injunctive relief by the injured party or by the Attorney General and include action at law for damages suffered by the injured party as a result of discrimination. This is a strong bill, but I believe it to be a reasonable, constitutional remedy for a great evil.

The two bills which the Senator from Kentucky [Mr. COOPER] and I are cosponsoring together, added to a bill to protect voting rights which we jointly introduced on February 4, 1963, make up a package which we hope will go a very long way toward making the civil rights guaranteed by the 13th, 14th, and 15th amendments to the Constitution a reality for all Americans.

I am proud to be associated with the Senator from Kentucky [Mr. COOPER] in this endeavor, and I shall certainly do all that I can to work with him for the passage of these bills. I consider them to be among the best things I have worked on since I have been privileged to serve in this body.

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

Mr. DODD. I am glad to yield to the Senator from Alaska.

Mr. GRUENING. I want to commend highly the action of the Senator from Kentucky and the senior Senator from Connecticut in introducing this legislation. This legislation is needed. It is sad and depressing that we must have legislation of this kind, but it is obvious, as we look around the country, that it is needed.

So far as voting rights are concerned, we have seen the depressing spectacle in certain communities in which persons parading peaceably to try to establish their constitutional rights have been set upon by dogs in the hands of local police and have been arrested for peaceably demonstrating. It is a terrible blot on our national escutcheon and it is tragic that we must stand revealed as having these grave defects in our society.

So far as discrimination against colored Americans is concerned, it is not limited to any section of the country. It exists, in varying degrees, in many States of our Nation. This is not a sectional problem; it is a national problem.

For that reason, I am glad to cosponsor with my colleagues, these two bills.

Mr. DODD. I thank my distinguished friend.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from Alaska [Mr. GRUENING] be added to the list of cosponsors of these two bills.

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

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

Mr. DODD. I am glad to yield to the Senator from New York.

Mr. JAVITS. I have studied these bills very carefully before joining as a

cosponsor. It may be remembered that, with other colleagues on this side of the aisle, I joined in March in introducing a whole package of bills implementing the 27 recommendations of the U.S. Civil Rights Commission. After studying these two additional bills I decided to join my very distinguished colleagues from Connecticut and Kentucky, whom I respect so highly, because I felt it was forwarding the common cause.

I think the part III bill, limited to school desegregation cases, is good, but too limited. Be that as it may, we have our own part III proposal. But this present version is very important to the case, in an area in which the frustration of the Negro has been so legitimate, because school desegregation since the 1954 Supreme Court decision has proceeded at a snail's pace, and there is so little to show for it, a minor percentage of Negroes attending integrated schools in biracial school districts.

Secondly, on the public accommodation aspect, I have studied the legal approach of my distinguished colleague, the Senator from Kentucky, with respect to the utilization of the State's licensing power.

There are indications, in the opinions in the sit-in cases decided by the Supreme Court this week, that this may be the basis for Federal jurisdiction. In my own bill prohibiting discrimination in public accommodations, I have relied upon interstate commerce as being the determining factor. The Senator from Kentucky [Mr. COOPER] relies on the licensing aspect. Because it is desirable to inject new concepts, new ideas, new bases for possible Supreme Court decision into this situation, I consider it an honor to join in this fresh, new initiative in this field, especially when it comes from such eminent sources as my colleagues from Connecticut and Kentucky.

I am glad they have acted as they have. I pledge them my full cooperation.

Mr. DODD. I am sure I speak for the Senator from Kentucky [Mr. COOPER] when I say we are deeply grateful to the Senator from New York, who has been a great leader in this field all along the line, for his support.

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

Mr. DODD. I am glad to yield to the Senator from Minnesota.

Mr. HUMPHREY. I commend the Senator from Connecticut and the Senator from Kentucky, who are partners in this effort. It is difficult to put one ahead of the other, because, as the Senator from Kentucky said, they have joined together to pool their respective talents and abilities to produce these two bills.

These two bills represent careful thinking, careful planning, careful analysis of constitutional law, constitutional provisions, and present statutory law. They represent, also, strengthening of the statutory law and the implementation of the provisions of the 13th, 14th, and 15th amendments.

Many such measures have been introduced, all of them varying in some degree. Nevertheless, they have had, as their objective, the strengthening of the body of civil rights legislation for the protection of the constitutional rights of the American people.

I want to comment on what the Senator from Kentucky [Mr. COOPER] said, as well as what the Senator from New York and the Senator from Connecticut said, with respect to the citizenship of a U.S. citizen. There is a dual citizenship in the United States, but the priority citizenship, the citizenship that qualifies us as Americans, is that which makes us citizens of the United States of America; and that right, of course, is the citizenship right that has to be protected under the terms of the Constitution.

I am very happy to associate myself in the endeavor which has been made here today. I know that there will be other such endeavors made at a later date.

Yesterday the President of the United States was asked a question relating to the consideration of new civil rights legislation. I ask unanimous consent that the question and the reply of the President to that question, as reported in this morning's Washington Post, Thursday, May 23, be incorporated in my remarks at this point in the RECORD.

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

RIGHTS LEGISLATION

Question. Mr. President, sir, are you considering asking Congress for new civil rights legislation as a result of the recent developments down South?

Answer. Yes, we are considering, as a result of the recent developments and as a result of the Supreme Court decision yesterday, we are considering whether any additional proposals will be made to the Congress, and the final decision should be made in the next few days.

As you know, we have several proposals up there now, dealing with voting, extension of the Civil Rights Commission and the conciliation service. But I think there may be other things that we could do which would provide a legal outlet for a desire for a remedy other than having to engage in demonstrations which bring them into conflict with the forces of law and order in the community.

I would hope that we would be able to develop some formulas so that those who feel themselves barred, as a matter of fact denied equal rights, would have a remedy. As it is today, in many cases they do not have a remedy, and therefore they take to the streets and we have the kind of incidents that we have in Birmingham. We hope to see if we can develop a legal remedy.

Mr. HUMPHREY. It is to be understood that the administration is giving consideration, as was indicated today in the discussion, to further civil rights legislation. What the details of that legislation will be, it is too early to predict, but it is quite obvious that something needs to be done.

I wish to join the Senator from Kentucky, the Senator from Connecticut, and other Senators in support of this legislation. If they will permit, I would like to join as a cosponsor. I ask unanimous consent so to do.

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

Mr. DODD. Mr. President, again, I know I speak for my colleague the Senator from Kentucky [Mr. COOPER] in expressing gratitude to the assistant majority leader, who for so many years has been a real leader in this field. To have him on our side means a great deal to us.

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

Mr. DODD. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. First of all, I desire to congratulate the distinguished Senator from Kentucky and the distinguished Senator from Connecticut for their initiative in this legislation. I am very happy to be a cosponsor, and I am more than proud to associate myself with all that has been said in behalf of this legislation.

It is regrettable that we cannot go a step further. It is regrettable that we cannot include all that the dignity of man connotes, as was proclaimed in famous part III of the pioneer civil rights bill. Those provisions were defeated here on the floor of the Senate. We here in America exalt the dignity of man. This legislation exemplifies the very philosophy which is the keystone of our democratic process.

It is regrettable that we must be engaged in discussing this kind of legislation, to secure rights which in my view are absolutely fundamental if we read properly the Declaration of Independence and the Constitution of the United States. We must face the facts of life as they are. It is necessary not only for America but to the rest of the world, that this problem not go unnoticed by the Senate. For that reason I am very happy to be a cosponsor of the proposed legislation. It is my fervent hope and belief that inasmuch as the distinguished Senator from connecticut is a member of the Judiciary Committee, he will exert all his influence to see to it that hearings are held on the bills. I hope that in due time the proposed legislation will be considered by the committee and reported to the Senate for open debate and open decision. I thank the Senator from Connecticut.

Mr. DODD. Mr. President, I thank the Senator from Rhode Island. I wish to assure him and other Senators that as a member of the Judiciary Committee I shall exhaust every possibility of getting committee action. I am hopeful that we will be able to get prompt and efficient consideration by the committee, so that we can bring this legislation to the floor and let the Senate work its will on it. I shall leave no stone unturned to see to it that this is done.

RECOGNITION OF SENATORS

Several Senators addressed the Chair.

Mr. BIBLE obtained the floor.

Mr. BIBLE. Mr. President, does the Senator from Colorado [Mr. ALLOTT] desire me to yield? If so, for how long a time?

Mr. ALLOTT. The Senator from Nevada has been recognized. I would like to call the attention of the Chair to the fact that the Senator from Colorado would like to be recognized.

Mr. BIBLE. I have been standing for 50 minutes seeking recognition. If the

Senator has a short insertion, I will be glad to yield to him for that purpose.

What is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 5389, the silver bill.

Mr. HUMPHREY. Mr. President, will the Senator yield for the suggestion of the absence of a quorum, provided that he will not lose his right to the floor?

Mr. BIBLE. I am happy to yield with that understanding.

Mr. COOPER. Mr. President, will the Senator yield for a moment?

Mr. HUMPHREY. Yes.

Mr. COOPER. I understand that the Senator from Colorado wishes to comment on the bill on which other Senators have commented.

Mr. BIBLE. I am very happy to yield to the Senator from Colorado for that purpose.

Mr. HUMPHREY. I withhold my suggestion of the absence of a quorum.

Mr. ALLOTT. Mr. President, I had two purposes in seeking the floor. I have been on my feet for some time. I hope the Senator from Minnesota will not leave the Chamber, because I desire to call his attention to a practice which has been growing in the Senate more and more, the practice of looking to the other side of the Senate and ignoring Senators on this side who have been standing for some time.

I call this to the attention of the other side because I believe it is high time that this practice, which has grown this year, be corrected, and corrected quickly.

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

Mr. ALLOTT. I am happy to yield.

Mr. HUMPHREY. The acting majority leader would like to say to those who have witnessed the proceedings here that there has been a deliberate attempt to see to it that there was a balance maintained between both sides; in fact, that Members on both sides be accommodated. An effort was made to accommodate Senators who had to catch airplanes to leave the city, or for other reasons. I do not want the RECORD to reveal that any effort has been made to discriminate. I agree with the Senator that we must accommodate one another and attempt to balance out the time. The Senator from Nevada has been in the Chamber since noon. I went to him earlier to ask him if it would be possible to accommodate one or two other Senators, who had other things to attend to that needed to be done. He was most gracious in yielding. I am sure the Senator realizes that to be the fact.

Mr. ALLOTT. In reply to the distinguished Senator from Minnesota, I realize that that is true. I have no quarrel whatever with my friend from Nevada. I have never had any. I do not intend to pursue one or make one now. I have no reason to do so. I do say that this practice has been continuing and growing since this session of Congress began. It should be stopped.

CIVIL RIGHTS LEGISLATION

Mr. ALLOTT. Mr. President, utilizing the courtesy of my distinguished friend from Nevada, I merely wish to say that I have joined the distinguished Senator from Connecticut and the distinguished Senator from Kentucky in introducing the bill to provide the Attorney General with the power to initiate suits in places where it appears that the children of this Nation cannot enter a desegregated public school.

I did not join in the introduction of the other measure because I have a deep reservation in my mind about the constitutionality of it. I recognize the great legal experience and great legal judgment of the distinguished Senator from Connecticut and the distinguished Senator from Kentucky, who introduced that bill.

I merely wish to say that there can be no solution of the racial problem in this country until we recognize that people who have a little different color than some of the rest of us, have exactly the same rights in public places, in schools, at the polling place, and at the bar of justice as the rest of us have.

If we could accomplish this one simple thing, the removal of this one little bar of second-class citizenship, we would solve all the racial problems in this country. I have had an opportunity to observe it not only in our country, but in the United Nations as well. One little racial incident can be expanded and blown up by the Communists in this world, and can be magnified and retold until one would think that there were race riots in every city in this Nation.

What we are trying to do is to start on the road that will make it possible for these people to have all the rights of citizenship. Surely this is not too much to ask. Surely this is not too much to ask after a hundred years. I hope it will be done.

I wish to express my appreciation to the Senator from Nevada for yielding to me. I shall attempt to obtain the floor after he has concluded his remarks.

Mr. BIBLE. Mr. President, I understand the Senator from Alaska [Mr. GRUENING] would like to make an insertion in the RECORD. I shall be glad to yield 2 minutes to him for that purpose.

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

AN EDUCATIONAL ITEM OF IMPORTANCE—MANY COLLEGE SCHOLARSHIPS NOW GO BEGGING BECAUSE THEIR EXISTENCE IS NOT KNOWN

Mr. GRUENING. Mr. President, there is encouraging news in the educational field.

For while, regrettably, the prospects for enactment of President Kennedy's highly desirable and necessary omnibus education bill are not favorable, certainly not in its totality, and while that other excellent bill, S. 5, the cold war GI education bill, sponsored by Senator YARBOROUGH and others, among whom I am happy to be, may again not pass the House although it passed the Senate in the 86th Congress, there are untapped and untouched educational opportunities which I am happy to help reveal. In the Sunday Star of May 5 appeared a most excellent article entitled "College for the Asking: Scholarships Go Begging," with a subtitle "$30 Million Left Unused, Loan Fund Stays Huge." This article is by Sidney A. Eisenberg. It reveals that scholarships worth $30 million are unclaimed and loans up to $450 million for college education are not asked for.

College education is expensive and its costs are rising. It costs between $2,000 and $3,000 a year to send a boy or girl to college. When, as it frequently happens, two or more children want to go to college from one family at about the same time there are, indeed, many families in America who cannot afford this expense. If all of these families knew what scholarships and loans are available and whether their children might be eligible, that situation would be substantially improved.

Sidney A. Eisenberg's article tells where, how, and by whom this aid can be secured. In presenting this to the public and giving it the additional publicity that these scholarships and loan funds are available, he is rendering a most valuable service to the cause of education and for the benefit of our youngsters who aspire to higher education but whose parents cannot afford it, and who themselves cannot quite earn their way through college or university.

I ask unanimous consent that this article be printed at this point in my remarks.

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

[From the Washington (D.C.) Star, May 5, 1963]

COLLEGE FOR THE ASKING: SCHOLARSHIPS GO BEGGING—$30 MILLION LEFT UNUSED, LOAN FUND STAYS HUGE

(By Sidney A. Eisenberg)

Each year college scholarships worth $30 million are unclaimed and loans up to $450 million are not asked for.

College education today costs between $2,000 and $3,000 a year. Half of all American families earn less than $5,600 a year. Thus two children in college might require all of a family's income. And college tuition costs are still going up.

Yet statistics show that of the 400,000 scholarships available each year, many are unused. And while 100,000 of our brightest high school students did not go to college last year because of lack of funds, nearly half a billion dollars in loan funds were unused.

The reasons for this situation are: (1) lack of diligence, persistence, and resourcefulness of both the student and the parent and (2) lack of publicity about the scholarship loan that is unused or unclaimed.

Every college, large or small, has some kind of scholarship and loan program. In Ivy League institutions the grants run into millions of dollars.

How does one find out if a college has a scholarship? A prospective student can check with his high school guidance counselor. He can fill out the form supplied by the College Scholarship Service of the College Entrance Board, 475 Riverside Drive, New York 27. He can get a copy of "Undergraduate College Scholarships" from the Office of Education, Washington 25, D.C. He can write to the college of his choice.

How is a student to know if he is entitled to a scholarship? Two major questions must be answered: Does he have good high school grades? Does he need tuition aid?

New scholarship programs are being set up almost every day. For example:

Wesleyan University, Connecticut, has announced 85 new scholarships from $100 to $2,000 a year. The University of Wisconsin has received a bequest of $1.3 million from John Darwin Manchester to provide loans for premedical and medical students. Tufts University, Medford, Mass., has initiated work scholarships that pay up to $500 a year for 340 hours of work during the college term. The University of the South, Sewanee, Tenn., has set up 10 to 15 undergraduate scholarships from $2,000 to $2,400 each. Hofstra College, Hempstead, N.Y., has 47 new high school scholarships providing up to full tuition.

I receive thousands of letters telling of unused scholarship and loan funds from colleges. A few random samplings:

An accredited medical school in a Midsouthern State had over $6,000 in unused funds.

A fine Eastern dental school has almost $20,000 in unused funds every year.

A college in California reported over $12,000 of its $15,000 loan fund unused last year.

A liberal arts college in a Mideastern State reported over $30,000 in unused scholarship funds in 2 years.

JUNIOR GI BILL PROVIDES FUNDS

Five major misunderstandings keep eligible children of deceased servicemen from applying for the educational privileges granted them by Congress, the Veterans' Administration reports. Under the junior GI bill, adopted in 1956, scholarships were made available to 160,000 children of veterans who died in, or as a result of, service in the Armed Forces. In 1960, the benefits were extended to children of peacetime veterans.

The legislation provides education for 36 months, or 4 academic years. Those who attend approved colleges, vocational and business schools can receive $110 a month if on full time, $80 on three-fourths time, and $50 a month for those going on a half-time basis.

A study made by the American Legion's education and scholarship program showed less than half the eligible students have taken advantage of the benefits under this law.

Here are the five misunderstandings that keep many thousands of eligible students from applying for the scholarships under the War Orphans Educational Assistance Act, the junior GI bill.

1. The fact that one parent still lives makes some children believe they do not qualify as orphans. An orphan is a child whose parent is dead as the result of a wound, accident, or illness attributable to service in the Armed Forces.

2. The fact that the dead parent had no wartime service makes others believe they are ineligible. If the veteran parent's death resulted from the performance of duty or from extrahazardous service during peacetime, the child is eligible.

3. The fact that they are married makes some believe they are no longer children. Marriage does not affect eligibility.

4. The fact that their living parent, usually their mother, has remarried and their stepfather has adopted them, makes some children believe they are ineligible. This does not affect eligibility.

5. The fact that many children are not planning to go to college makes some believe they cannot take advantage of this benefit. Eligible children may take vocational courses and other noncollege training that will help them earn a living.

The American Legion, and its various auxiliary posts offer hundreds of scholarships annually. The Legion's National High School Oratorical Contest provides scholarships from $4,000 to $5,000 for the four finalists. In addition, district and State Legion posts award hundreds of scholarships to the participants.

For further information write to: The American Legion, Education and Scholarship Program, Post Office Box 1055, Indianapolis 6, Ind.

The Fraternal Order of Eagles Memorial Foundation was founded to honor Eagle servicemen and to provide scholarships for children of members who were killed or died while in the armed services. The fund totals $4 million. For further information write: The Eagles Memorial Foundation, 321 North Michigan Street, South Bend, Ind.

The Elks Emergency Educational Fund serves a similar purpose. It does not give full tuition, but supplements the college costs of needy students. Applications should be made to the lodge of which the father was a member.

The Knights of Columbus has established an Educational Trust Fund of $1 million as a memorial to members of the order. Scholarships are available to sons and daughters of Knights who were killed or disabled as a result of military service during World War II or the Korean conflict. Scholarships are for 4 years and include allowances for tuition, board and room. In addition, many State and local councils of the Knights have scholarship programs. Write to: The Supreme Secretary, Knights of Columbus, Drawer 1670, New Haven, Conn.

The AMVETS annually grant 4-year college scholarships to high school seniors whose fathers are deceased or disabled veterans of World War II or the Korean conflict. Each scholarship provides financial assistance for undergraduate college study at an accredited institution selected by the student. Fellowships are also available for graduate study. Write to AMVETS National Headquarters, Post Office Box 6038, Mid-City Station, Washington, D.C.

FUNDS AVAILABLE TO WOMEN

There are many scholarship and loan opportunities for women to pursue careers. It is a national disgrace that over 400,000 women in Russia pursue professional and scientific careers, while in the United States fewer than 12,000 pursue these careers.

The AMVETS award scholarships for undergraduate or graduate study to any girl whose father was a veteran or was killed or disabled in World War II. Write to the addresses above.

The American Veterans of World War II award another group of scholarships for women. Write to American Veterans of World War II, 710 Rhode Island Avenue NW., Washington, D.C.

Many other organizations offer similar opportunities for women. An 18-year-old girl in Houston won a $4,000 scholarship from the San Jacinto State Bank Foundation. Two girls in Cleveland won Fisher Food Scholarships. The Sears Foundation and the Special Libraries Association also offer scholarships for women. Here are the addresses: The San Jacinto State Bank Foundation, Houston; Fisher Foods, 2323 Lakeside Avenue, Cleveland 1; the Sears Roebuck Foundation, 3333 Arlington Street, Chicago 7; the Special Libraries Association, 31 East 10th Street, New York 3.

For 40 years, Montgomery Ward has been awarding six scholarships. They are arranged and announced by the National 4–H Service Committee, 59 East Van Buren Street, Chicago 5.

The Zonta International awards from one to five scholarships up to $2,500 each to eligible women for graduate study in aeronautical sciences. Write to Amelia Earhart Scholarship Committee, care of Zonta International, 59 East Van Buren Street, Chicago 5.

The North Carolina Division of the United Daughters of the Confederacy has awarded many scholarships to women. Write to North Carolina Division, United Daughters of the Confederacy, Mrs. Robert B. Street, Chairman of Education Committee, North Carolina Division, UDC., R.F.D. 1, Box 405, Huntersville, N.C.

The American Association of University Women, Educational Foundation, awards about 50 fellowships at $3,000 to $5,000 each. Write to the American Association of University Women, Fellowship Office, 2401 Virginia Avenue NW., Washington 7.

The Hattie M. Strong Foundation makes loans without interest or collateral up to $3,000 to students who have finished 2 years of college or to graduate students. Write to the Hattie M. Strong Foundation, Suite 409, Cafritz Building, 1625 I Street, Washington 6.

The Western Electric Fund Scholarship awards about 170 scholarships up to $800 each with no restrictions regarding sex, race, color, creed or national origin. Write to Western Electric Fund Scholarships, John G. Payne, coordinator of college relations, personnel division, 222 Broadway, New York 38.

The Daughters of the Cincinnati awards about 16 scholarships to high school seniors who are daughters of regular Army, Navy, Air Force, or Marine officers. Write to Mrs. Alexander Jay Bruen, scholarship secretary, Daughters of the Cincinnati, 1088 Park Avenue, New York 28, N.Y.

The Student Aid Foundation has over $100,000 to lend to women at low interest rates. No interest is charged while the student is in college. Write to the Student Aid Foundation, 1025 Clairmont Avenue, Decatur, Ga.

The Delta Delta Delta General Fund Scholarship has assisted over 2,510 women students in the last 18 years, awarding more than $335,000. It operates on 106 campuses, and the applicants need not be sorority members. There is no restriction as to race, creed or color. Write to Vice Chairman of Service Projects, Mrs. G. W. Whiteman, 609 W. Highland Drive, Seattle 9, Wash.

The PEO Educational Fund gives financial aid to qualified students as a loan to be repaid when the student is out of school. The maximum loan is $1,250 and the most granted in 1 year is $625. Write to PEO Educational Fund, 3700 Grand Avenue, Des Moines 12, Iowa. These loans are for women only.

NURSING STUDENTS CAN GET HELP

The shortage of trained nurses will increase as our population continues to soar.

Many competent young women are eager to enter the nursing profession but are held back because of lack of funds.

Scholarships, fellowships, grants, and loans are available. Here are some of the major sources:

National Foundation, 800 Second Avenue, New York 17, N.Y., offers nursing scholarships to one or more graduating high school seniors from each State who plan to take up a baccalaureate degree program. Information is available from high schools and from the National Foundation.

The Bergen Foundation, 6536 Sunset Boulevard, Hollywood 28, Calif., provides loans for prospective nurses. Apply to the executive secretary.

The Clara Barton Memorial Scholarships Awards, auxiliary to the United Spanish War Veterans, offers help. Information is available from the secretary, 40 G. street N.E., Washington 13.

The Children's Bureau, Department of Health, Education, and Welfare, Washington 25, has a program to help train professional nurses.

Traineeships to enable nurses to prepare for positions in consultation and teaching in maternal and child care and crippled children's programs may be obtained through

the School of Nursing, Boston University and the Division of Nursing Education, Teachers College, Columbia University, New York 37.

The School of Hygiene and Public Health, Johns Hopkins University, Baltimore, accepts qualified nurses who are preparing for positions in public health programs for the care of mothers and children. Address the dean.

Awards of $1,000 each to assist nurses to prepare for positions in supervision, administration or teaching are offered by the Eight and Forty Tuberculosis Nursing Scholarships Fund, the American Legion Education and Scholarship Committee, Box 1055, Indianapolis 6, Ind.

The Nurses Educational Funds is an independent corporation administered by the National League for Nursing, which grants scholarships, fellowships and loans to nurses to equip them for advancement in nursing.

Lists of institutions offering traineeships are available from the Division of Nursing Resources, Public Health Service, Washington 25, D.C.

STUDENTS CAN GET LOANS FOR COLLEGE

It is obvious that if the high school graduate cannot get a scholarship he should get a loan. Almost everyone can qualify for one, and there are more than enough legitimate loan funds available.

A total of 1,454 colleges and universities in all 50 States and Puerto Rico are participating in the National Defense Student Loan program. All the information, plus a list of participating colleges, is supplied in a free booklet from the Department of Health, Education, and Welfare, Washington 25. Ask for booklet number GE–55001–62.

The U.S. Aid Funds, a non-profit corporation which underwrites loans to college students through private banks, has $50 million available in low-interest, long-term loans.

For information write: United Student Aid Funds, Bennett E. Kline, 350 Lexington Avenue, New York 16.

Many colleges have their own loan funds, in addition to participating in the National Defense Student Loan program. Some of these are interestfree while in college. Others bear a very small interest charge.

Many other major loan funds offer millions of dollars. Almost anyone can qualify, regardless of need or class standing. The repayment terms have been geared to a college education. Most of them make loans from the freshman year on up and have maximum amounts of $14,000 to finance college educations. Some institutions will make loans to you regardless of place of residence or college attended.

NEGROES OFFERED ADDITIONAL AID

It is very difficult for many qualified Negroes to go to college. They come from very low income families and need extensive financial aid.

One special source of scholarships for Negro students is the Alpha Phi Alpha Fraternity, which has awarded as much as $12,000 in scholarships, in a single year, with $500 minimums, to selected high school, college and postgraduate students. For information on scholarships for the next school year, write to: Dr. Clifton S. Jones, director of educational activities, Alpha Phi Alpha Fraternity, Morgan State College, Baltimore.

Dr. W. Montague Cobb, professor and chairman of the anatomy department of the College of Medicine, Howard University, deplores the fact that the number of Negro medical students in colleges throughout the country has dropped. This is in spite of the fact, Dr. Cobb says, that all Northern and Western colleges and 19 in the South have made their course available to Negroes. Of the 260,000 physicians in the United States, only 4,000 are Negroes.

What is being done about this?

Last year, 10 outstanding Negro graduates were awarded 4-year medical scholarships with annual payments ranging from $1,000 to $2,000 each, under a program financed by the Alfred P. Sloan Foundation and administered by the National Fellowships, Inc., of Chicago.

Known as the National-Medical Sloan Foundation Scholarships, the program is designed to help relieve the critical shortage of Negro physicians and surgeons. Its objective is to make it possible for qualified Negroes to attend leading medical schools.

There are about 24 McCormick Foundation Scholarships and National Medical Scholarships. Applications should be made to: Mrs. Hilde Reitzes, executive secretary, National Medical Fellowships, Inc., 951 East 58th Street, Chicago 37.

The National Scholarship Service Fund for Negro Students awards about 150 scholarships annually. They are renewable for the sophomore and junior years. This fund is designed to provide supplementary financial assistance to Negro high school seniors who are awarded college or other scholarships but need additional financial assistance.

Inquiries should be addressed to the National Service Fund for Negro Students, 6 East 82d Street, New York 38.

The Catholic Scholarships for Negroes, Inc., 216 Central Street, Springfield, Mass., has a limited amount of aid for Catholic Negroes.

Negro law students who attend full time at Boston College, Boston University, Harvard, and Suffolk University, may borrow up to $1,000 a year for 3 years directly from these laws schools. This program of long-term low-interest loans to deserving students was set up by the Massachusetts Bar Association.

Negroes are also eligible for loans under the National Student Defense Loan Program of the Federal Government, as well as under the many bank loan programs, loans from private institutions, college loan programs, and the various higher education loan associations in many of our States. Such a foundation is the Jesse Smith Noyes Foundation, Inc., 205 East 42d Street, New York City, which is open to students generally, but especially Negroes.

The Martin de Porres Foundation, 1650 Suburban Station Building, Philadelphia, has six scholarships for Negro Catholics, of approximately $800 each per year to cover tuition, fees, and books: One each to Immaculata, Rosemont, and Chestnut Hill Colleges for girls, and to La Salle and St. Joseph's Colleges and Villanova University for boys. An applicant must submit his high school record, letters of recommendation from high school principal and pastor, and what he hopes to do with a college education.

SCIENCE STUDENTS' AID IS PLENTIFUL

The Science Clubs of America, with financial support from the Westinghouse Educational Foundation, annually conducts a talent search for outstandingly able high school seniors who are especially inclined toward science. Information can be obtained from science teachers or by writing to Science Clubs of America, 1719 N Street NW., Washington 6, D.C.

General Motors has two undergraduate scholarship plans under which approximately 400 4-year scholarships are awarded annually. Applicants must be secondary school seniors who are citizens. Stipends vary from $200 to $2,000 a year, depending on the need. Write to General Motors Corp., Detroit 2, Mich.

If you already have your master's degree in aerospace and need help for your doctorate, one of the best sources of help is the National Aeronautics and Space Administration's program. Ten universities select 10 candidates for the degree you are seeking. The 100 students selected for these studies each receive $2,400 for 12 months, plus expense allowances up to $1,000. Annual renewals depend on students' performance.

These institutions are University of Maryland, College Park, Md.; Georgia Institute of Technology, Atlanta; University of Michigan, Ann Arbor, Mich.; University of Minnesota, Minneapolis; State University of Iowa, Iowa City; Texas A. & M. College, College Station; University of California at Los Angeles; Renssalaer Polytechnic Institute, Troy, N.Y.; University of Chicago, and Rice University, Houston.

An $8 million loan program has been established by the Ford Foundation to assist doctoral engineering students prepare for teaching careers. Students up to age 40 may borrow up to $10,000 over 3 years. For a list of participating institutions, write to the Ford Foundation, 477 Madison Avenue, New York, N.Y.

The Procter & Gamble Fund provides about 80 scholarships in the sciences. Awards are renewable for up to 4 years and include full tuition, plus an allowance for books, fees, and supplies. For further information, write to the Procter & Gamble Scholarship Program, Post Office Box 599, Cincinnati, Ohio.

The following is a very small sampling of scholarship sources available to prospective majors in science or engineering and is intended merely to show the diversity of these sources.

Alcoa Foundation Scholarships, Aluminum Co. of America, Pittsburgh, has 140 scholarships available for study at certain specified institutions.

From 185 to 190 scholarships, limited to specified institutions, are offered by the Foundry Education Foundation Scholarships, Terminal Tower Building, Cleveland, Ohio.

The American Institute of Steel Construction, Inc., Committee for Education, 101 Park Avenue, New York, N.Y., has 10 scholarships for work in institutions accredited to civil or architectural engineering.

The Radio Corp. of America, 30 Rockefeller Plaza, New York, N.Y., offers 33 science scholarships and 30 scholarships in the science teaching field.

The American Society for Tool Engineers, 10,700 Puritan Avenue, Detroit 18, Mich., offers tool engineering scholarships for college juniors and seniors interested in careers in tool engineering.

The Atomic Energy Commission offers fellowships in nuclear science and engineering. Basic stipends are $1,800 the first year, $2,000 the intermediate year, and $2,200 the terminal year. An additional $500 each is allowed for a wife and a maximum of two dependent children. For further information, write to NSE Fellowship Office, Institute of Nuclear Studies, Oak Ridge, Tenn.

The AEC also offers fellowships in health physics with a basic annual stipend of $2,500 and an additional $350 for a wife and each dependent child. Write to: Health Physics Fellowships Office, Institute of Nuclear Studies, Oak Ridge, Tenn.

Industrial hygiene is another field in which the AEC offers fellowships. The basic stipend of these fellowships is $2,500 to $2,700 for fellows having one or more years of related graduate study or industrial work. An additional allowance of $350 is made for a spouse and for each dependent child. Address: Industrial Hygiene Fellowship Office, Institute of Nuclear Studies, Oak Ridge, Tenn.

[From the Washington (D.C.) Star, May 5, 1963]

OWN STRUGGLE FOR COLLEGE SET HOBBY FOR EISENBERG

Ever since his own financial struggles to get through Ohio Northern University back

in 1927, 1928, and 1929, Sidney A. Eisenberg's hobby has been helping young people get a college education.

For years, Mr. Eisenberg, Cleveland attorney, has conducted extensive research into scholarships and student loans. Skyrocketing college costs, with tuition going from an average of $500 a year to $1,000, make the problem acute, he says. But money is available. Parents have no conception of the vast amount of scholarships and the huge number of loans they can get for their children.

Costs didn't begin to compare with those of today when young Sid Eisenberg enrolled in the little Ada college, but money was scarcer, too.

He waited table at the Alpha Epsilon Pi fraternity house for his board and shoveled coal for his room. He worked for Barton Snyder, publisher of the Ada Herald then as now.

On Saturdays he worked for the old Boston store in Lima for $4 a day, hitch-hiking to and from Ada. His second year he was a part-time floorwalker for a women's wear store.

In between times, Sid served as managing editor and columnist for the Northern Review and edited the college yearbook.

Within 5 years after leaving Ohio Northern, alumnus Eisenberg had helped establish 30 scholarships there. His interest in college scholarships has never waned.

It isn't waning now, either, for he is querying 50,000 sources of loans or scholarships. He expects to spend $25,000 in this research, and will provide booklets and lists answering the many inquiries it is anticipated this series will produce.

Mr. BIBLE. Mr. President, I ask unanimous consent that I may yield to the Senator from North Carolina [Mr. ERVIN] for a short insertion.

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

HARLAN RAISES PERTINENT QUESTIONS FOR THE COURT

Mr. ERVIN. Mr. President, the Charlotte Observer, of Charlotte, N.C., for May 21, 1963, contained an editorial entitled "Harlan Raises Pertinent Questions for the Court."

This editorial places in proper focus one of the most significant questions raised by the current agitation for so-called civil rights legislation; namely, whether the Federal Government is going to accept completely the tragic theory that minority groups cannot be made secure in their civil rights without destroying the equally as precious basic civil, personal, and property rights of all other Americans. It would certainly be a tragic day for law enforcement and personal property owners in America if the courts should ever transgress their constitutional authority so far as to rule that owners of private property cannot protect their property against invasion by trespassers except through the exertion of necessary force upon their individual parts. I ask unanimous consent that the editorial in question be printed at this point in the body of the RECORD.

There being no objection, the editorial was ordered printed, as follows:

HARLAN RAISES PERTINENT QUESTIONS FOR THE COURT

In overturning the convictions of sit-in demonstrators in North Carolina and three other Southern States, the Supreme Court did not invalidate the right of owners of private property to operate their businesses on a segregated basis.

The sense of the majority opinion in the four cases is that State and local segregation ordinances are unconstitutional under the 14th amendment, and that the individual property owner's personal performance is not the deciding factor where such a law exists.

The court has yet to come to final grips with the question of whether a business licensed to serve the public has a right to discriminate among its would-be patrons on a basis of race, although Justice Douglas' concurring opinion speaks directly to this question. Douglas feels that a business serving the public has no right to discriminate by race.

The heart of the court action is in Chief Justice Warren's statement citing previous decisions that private conduct abridging individual rights does no violence to the equal protection clause unless to some significant extent the State has been found to have become involved in it.

This statement would appear to support the proposition, first stated by the court in 1883, that the equal protection guarantee bars discrimination only through action by a State.

Justice Harlan, in dissenting vigorously to a portion of the court's decision, feels that his colleagues went too far in setting aside the convictions in all the cases, and especially in a New Orleans case where no segregation ordnance existed. The varying circumstances indicated to him the need of "discreet treatment and results."

Speaking to Chief Justice Warren's contention that the intrusion of State law negates the individual businessman's personal preference and does violence to the equal protection clause, Harlan said:

"Although the right of a private restaurateur to operate, if he pleases, on a segregated basis is ostensibly left untouched, the court in truth effectually deprives him of that right in any State where a law like Greenville (S.C.) ordinance continues to exist.

"A choice that can be enforced only by resort to self-help has certainly become a greatly diluted right, if it has not indeed been totally destroyed. An individual's right to restrict the use of his property, however unregenerate a particular exercise of that right may be thought, lies beyond the reach of the 14th amendment.

"The dilution or virtual elimination of that right cannot be justified either on the premise that it will hasten formal repeal of outworn segregation laws or on the ground that it will facilitate proof of State action in cases of this kind."

Harlan rightly raises the question of how public order can be maintained, in the event of a clash of "rights" under the 14th amendment, if the private property owner is deprived of the assistance of the State in removing from his premises those he does not choose to serve.

The State could not justify such removal for trespass under the terms of a segregation ordinance, according to the Court's decision, for the property owner's freedom of choice is canceled by the law. In the Greenville case, an attorney for the store management pointed out that if the owner could not use a State trespass law he might be required to "take the law in his own hands" with possible violence resulting.

It is clear from the Court's decision that inability to rely on State or local laws regarding trespass would make it more difficult for stores to maintain a segregation policy. In that case, unwanted patrons might be charged with "disorderly conduct" or "breach of the peace" upon refusal to leave, but conviction would be difficult to obtain where demonstrators were sitting quietly awaiting service.

There is the possibility, too, of civil action and criminal charges against the owner and his employees if ejection is handled without assistance of law or on flimsy legal grounds. Indeed, it may have been the Court majority's thinking that the decisions in these cases will make it so difficult to enforce a segregation policy in a private business that racial bars will gradually crumble.

The effect of the Court's decisions is likely to be the abolishment of widespread State and city segregation ordinances. Numerous test cases then will result when individual restaurateurs and others with segregation policies attempt to enforce them through other means.

Official segregation laws have been nullified and the individual restrictive use of property, where no segregation laws exist, has been upheld by the decision.

But there will be no definitive answer until there is a choice between Justice Douglas' argument and Justice Harlan's contention that "an individual's right to restrict the use of his property * * * lies beyond the reach of the 14th amendment."

If Douglas' view prevails, thus taking away the property owner's right to set his own business policy, the country will pay too high a price for the misguided notion that all discrimination—public and private—can be legally eliminated.

It would seem, rather, that in ruling out segregation laws and ordinances the Supreme Court has gone as far as it can go to combat discrimination without undue interference with personal liberty. It is desirable that voluntarism take over where the law ends and personal choice begins.

Mr. BIBLE. Mr. President, I now yield briefly to the assistant majority leader, with the understanding that I will be recognized after he has concluded his remarks.

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

EXECUTIVE SESSION

Mr. HUMPHREY. Mr. President, there is a rather brief Executive Calendar. It will take only a moment, I am sure, to dispose of it. I move that the Senate proceed to the consideration of executive business.

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

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

William A. Meadows, Jr., of Florida, to be U.S. attorney for the southern district of Florida; and

Herbert J. Lidoff, of the District of Columbia, to be an examiner in chief, U.S. Patent Office.

By Mr. SYMINGTON, from the Committee on Armed Services:

Thomas H. Aulenbach, and sundry other midshipmen, to be permanent ensigns in the line of the Navy;

Roger A. Marien, of the Naval Reserve Officers' Training Corps, to be permanent ensign in the Supply Corps of the Navy; and

Michael B. Peterson, of the Naval Reserve Officers' Training Corps, for permanent appointment to the grade of second lieutenant in the Marine Corps.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

Mr. HUMPHREY. Mr. President, on the Secretary's desk are nominations in the Army, in the Air Force, in the Marine Corps, and in the Navy. These nominations relate to graduates of the Military, Air Force, and Naval Academies. It is desired to have the nominations confirmed and sent to the White House, so that the President may affix his signature to the commissions.

Mr. President, it is a real honor for me to call these nominations to the floor. Today we have on the Executive Calendar names of the young men who will graduate this June from our academies and colleges and will at that time be commissioned as the new officers of our Nation's Armed Forces. These men have received the finest training that the Nation can offer in our three great service academies, or in other of our finest colleges and universities across the country. The commissioning of these men is recognition of successful completion of that training. These men soon will leave behind the demands and disciplines of the halls of learning to assume far greater demands and disciplines of our defensive forces in an unsettled and uncertain world.

They will join a proud tradition; perhaps the proudest military tradition the world have ever seen. This is because the forces they will lead are dedicated not to conquest, but to freedom from conquest, not to government by force but to government by self-determination. The democratic traditions which our Nation adopted at its birth have been inseparable from the cause of our fighting men from the minuteman at Concord to the Crossing of the Rhine.

Today these men are called for duty into such far places as outer space and the jungles of Asia. To perform these duties in a way that will always carry forward the best interests of the United States requires better training, greater judgment, and higher dedication than in any previous time.

I am confident that these men whom we are about to confirm can meet and exceed these high standards.

Mr. President, I ask that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Army, the Air Force, the Marine Corps, and the Navy, which have been placed on the Secretary's desk, are confirmed en bloc.

Mr. HUMPHREY. Mr. President, I ask that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith of the confirmation of the nominations.

LEGISLATIVE SESSION

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

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

REPEAL OF CERTAIN LEGISLATION RELATING TO PURCHASE OF SILVER

The Senate resumed the consideration of the bill (H.R. 5389) to repeal certain legislation relating to the purchase of silver, and for other purposes.

Mr. BIBLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nevada will state it.

Mr. BIBLE. Do I correctly understand that the pending business is H.R. 5389?

The PRESIDING OFFICER. The Senator is correct.

Mr. BIBLE. A few minutes ago, the acting majority leader suggested that there be a quorum call before I begin my speech. I concur in his suggestion. I suggest the absence of a quorum, with the understanding that I will not lose my right to the floor.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BIBLE. Mr. President, the pending business, H.R. 5389, has been accurately described on page 1 of the House bill:

> An act to repeal certain legislation relating to the purchase of silver and for other purposes.

The senior Senator from Nevada has for many years had an active interest in silver legislation. My illustrious predecessor, as most Senators know, the late Senator Key Pittman, was the author of the Silver Purchase Act. The great State of Nevada is known as the Silver State, although I am sorry to state that today there is not one, single, operating silver mine in my native State. Not because there is no silver; but, as I stated at the time of the Senate hearings, the silver producer has found it extremely difficult to mine silver at the present-day prices. He has watched the market since November 28, 1961, and is watching the action of this body today, in hope that he will not again be the forgotten man, and that this great deliberative body will find the time to explore and debate this piece of proposed legislation to the fullest extent.

I just am not satisfied that we have explored the bill as much as it should have been, and I am hopeful that Senators today will get into the discussion and that a record can be made as to the intent of the measure and whether or not the urgency exists that the Secretary of the Treasury and the Chairman of the Federal Reserve Board have so stated exists, and just why an emergency exists.

As I stated previously, the bill has been accurately described. I am not one who objects just for the sake of argument. This is not my nature. I do not object to the wording or intent of some parts of the bill, such as "to repeal certain legislation relating to the purchase of silver." I believe, as I know many other Senators believe, that the Silver Purchase Act is outmoded.

It is outmoded simply because the market price of silver has exceeded the price originally set at 90.5 cents per ounce by the Congress for which the Treasury should purchase silver. This has been due, we are advised, to greater industrial needs, greater need in the minting of coins, and larger needs by other agencies of our Government. So, in effect, in my considered judgment, the Silver Purchase Act is outmoded.

I do object, however, to the description of the act, which involves the last four words, "and for other purposes."

It is here that my curiosity is aroused—"for other purposes."

It is here that I am concerned: What are the "other purposes"?

The Secretary of the Treasury has stated that we will face a shortage of free silver for coinage purposes once the 1.2929 monetary value of the dollar is pierced, and, Mr. President, it is about to be pierced. It will not be the first time it has been pierced—it was pierced in 1920 and 1921 when the price of silver rose to a price of 1.38 plus and 1.37 plus, respectively. Our monetary value was then, the same as now, 1.2929 per ounce, and it has, as those who have studied the problem know, been our monetary standard value for the dollar since 1792 when we were then the Original Thirteen Colonies and there were no great giant silver producers controlling the industry as some would like for us to believe.

Is the phrase "other purposes" designed for a free market in silver?

Are the "other purposes" designed to put a floor on the price of silver at 1.2929?

Will not the bill, as it is written, permit the Secretary of the Treasury to sell silver bullion, should the open market price exceed 1.2929?

Will this sale of silver stabilize the market for as long a period as he envisions some 12 to 15 years?

Will it protect our subsidiary coinage—something which must be done—as every Senator realizes, including the Treasury Department?

Will it protect our subsidiary coinage at the rate which our Secretary of the Treasury envisions, and will he be able to call in the silver certificates at a rate he envisions? This is a problem that has constantly bothered me. It is something to which the Secretary of the Treasury and the Chairman of the Federal Reserve Board have testified. It is a problem which the distinguished chairman of the Committee on Banking and Currency [Mr. ROBERTSON] brought before the Senate on Tuesday. The testimony is to the effect that the redemption would be done gradually. But can it be done gradually as a strict legal matter?

The Federal Reserve Chairman has stated that he supported the Treasury position in that the silver certificates should not be redeemed at a rate of more than 110 million ounces of silver per year or $140 million per year, in order that the drain on our gold supplies would not exceed $35 million annually. Again I ask the question: Can the redemption be done practically, financially, or legally?

Will there be a run on silver when this magic figure of 1.2929, the monetary value of the dollar, is pierced? Is there any clause in this bill which will protect our silver stocks from being depleted other than to permit the Secretary of the Treasury to sell silver on the open market once the monetary value has been reached?

Will the sale of Treasury stocks enable our Government to control or put a floor on the market of a figure comparable to the monetary value 1.2929?

Is it not true that we must honor our silver certificates whether they are presented today, tomorrow or next year—not only by our own citizenry, but by those throughout the world who may think more highly of silver than some of our own citizenry?

Will not silver certificates be honored any time, any place, when presented to the Treasury, regardless of whether the persons presenting the certificates may be adverse to our form of government?

And is there in this proposed legislation language which would stop, shall we say, the citizens of those from outside the free world or Communist bloc nations from redeeming silver certificates, should they be in a position to attempt to corner the market on a metallic product which is fast becoming more valuable, day by day?

In the 1st session of the 84th Congress a similar bill to H.R. 5389 was introduced, S. 1427. This was in 1955, when we were, so the backers of this bill said, in need of a revision in our monetary policy, and the need was then also said to be great for repeal of the Silver Purchase Act. The silver user was finding it extremely difficult to make a profit, so we were told. He was, for all purposes, practically ready to go out of business, simply because the open market price of silver was approaching the Treasury's obligation to purchase domestic mined silver at 90.5 cents an ounce.

Eight long years have elapsed, and the silver users are still in business. The silver producers are very, very definitely "on the skids," and I doubt that the ratio has changed much, except that today there are fewer domestic silver producers.

The table on page 74 of the report accompanying the bill makes crystal clear the decline over the past 5 years in the number of silver producers.

This, of course, does not take into consideration the allied mining industries, which produce copper and lead and zinc, and still produce silver as a by-product; and this has, no doubt, dropped, as there is little production today of lead and zinc in this Nation today, unfortunately.

Mr. President, I have been pleased to join with the distinguished Senator from Alaska [Mr. GRUENING], the illustrious chairman of the Mining Subcommittee of our Interior Committee, in an effort to attempt to be of some help in the situation. I know the Senator from Alaska is doing everything he can—in scheduling hearings and in attempting to move forward legislation which can be of assistance to a very, very depressed segment of the mining industry.

Mr. GRUENING. Mr. President, I thank the Senator from Nevada for his kind words. I hope we can do something for our domestic mining industry.

It is a striking and a pathetic paradox that such mines in other countries are helped by our Government with American dollars. In that way, our Government is helping them out of their difficulties. But such mines at home, when operated by American citizens, are not helped.

Mr. BIBLE. I thank the Senator from Alaska.

Mr. President, earlier today I heard the Senator from Wyoming allude to the building of a steel mill in India with American money. This has a very direct effect in Nevada, because by building the steel mill in India, the iron ore producers in Nevada—and today that is quite an important industry there, in the depressed state of mining generally—are being "forced to the wall," simply because our Government thinks more kindly of those overseas than it does of those within our own borders.

I appreciate very much the sentiments expressed by the Senator from Alaska.

There were some 30 Members of the Senate who signed their names to a letter to Senator FULBRIGHT, then chairman of the Banking and Currency Committee, requesting more time to explore this very complicated problem. Fourteen of those Members are still Members of this body. The hearings were carried over into the 2d session of the 84th Congress and the bill was not acted upon. The urgency did not exist, as was so stated by some Members of this body.

The Honorable Chairman of the Federal Reserve, our present Chairman Mr. Martin, testified at that time that he "opposed the Silver Purchase Act of 1934," and that he had never changed his position so far as the principle of bimetallism is concerned. He stated flatly that he was opposed to bimetallism, even though the percentage of silver backing our currency was minute in relation to Federal Reserve notes which at that time amounted to around $25.2 billion, and, as we know, today stands at a figure of about $30.1 billion—although the relation of silver has not so expanded.

Mr. President, in the 84th Congress, the complicated nature of this problem was very apparent. It was then urged that there was a great sense of urgency, and that this action should be taken immediately. However, such urgency simply did not exist. Now, many years later, that urgency still does not exist, in my opinion—at least, not to the extent described by those who have testified before the Banking and Currency Committee.

I mention this little bit of history merely to show that there do exist now, and have always existed, forces in our Nation which believe paper money is all that is needed. I hasten to add that our Federal Reserve notes are backed by 25 percent gold, and I am sure the Chairman of the Federal Reserve does not object to this metallic backing, inasmuch as most nations have long since done away with bimetallism, and have a gold standard.

I do believe it is a fair speculation to state that the Federal Reserve may be concerned about the outflow of gold from our shores. The President has stated time and time again that this is an emergency which he hopes this administration can correct; and I am certain that every Member of the Senate joins in his expressed hope that the outflow of gold from our shores will be corrected.

Yet, if we take favorable action on the proposed legislation which is before us in its present form, we add fuel to the fire, for we shall be substituting Federal Reserve notes in an equal amount to silver certificates, and this will eventually cause a further drain on our fast diminishing gold reserves of one-half a billion dollars. This figure has been passed over lightly, in that it is planned that it will occur on a managed basis, at the rate of approximately $35 million annually. The annual proposed drain on our gold supplies will come about only if there is not a raid on our treasury for silver. But should this raid develop, our silver will disappear as fast as our gold has disappeared and is disappearing.

I submit that a drain of one-half a billion dollars on our gold reserves is a matter of concern for this Congress. It is a matter of deeper concern when we are faced with proposed legislation which will also permit a drain of our valuable silver stocks from the U.S. Treasury.

Mr. DOMINICK. Mr. President, at this point will the Senator from Nevada yield?

Mr. BIBLE. I am happy to yield to the Senator from Colorado.

Mr. DOMINICK. I am glad the Senator has brought out that point, because in the course of his statement in support of this bill, the chairman referred to certain sections of the report showing that this would not be a particular drain on our gold reserves. Yet the fact is that in the statement made by William McChesney Martin, Chairman of the Board of Governors of the Federal Reserve System, he specifically stated:

> If this bill is enacted, it is important that the resulting shift from silver certificates to Federal Reserve notes takes place gradually. Roughly $2 billion in silver certificates are outstanding. A complete shift of this amount to Federal Reserve notes would reduce the Treasury's free gold stock by $500 million, because of the 25-percent gold certificate reserve requirement on Federal Reserve notes.

It seems to me that that is really important, in order to assure that if the bill is enacted, we may have a record to show that this must be done gradually, so that we do not further impair our gold reserves, which already are so far down.

Mr. BIBLE. Mr. President, I could not agree more fully with the Senator from Colorado.

One problem which bothers me as a practical one is how we are legally and practically to insure that this will be

done only gradually. I am not sure on this point, and I hope we can develop it during the debate.

Mr. DOMINICK. I think the Senator from Nevada is entirely correct. I think the bill, so far as I understand it, does not contain any provision which would prevent the Treasury from doing this all at once. Is that not true?

Mr. BIBLE. I think that is absolutely true; and, as I understood the remarks of the very gracious and distinguished chairman of the Banking and Currency Committee in response to a question raised the day before yesterday, his contention is that, as a practical and a physical matter, it would be almost impossible for someone to bundle up large amounts of silver certificates, take them to the Treasury, and have them converted into silver. However, I am sure it could be done as a practical and physical matter.

We might substitute $2 billion in $1 silver certificates for silver dollars or, if one should choose, as is provided in the bill, for silver bullion. I do not know how physically it could be done, but I am sure that there is a legal right to do it.

I thank the Senator for his contribution. I was developing my concern in relation to the inevitable drain that would come upon the gold behind the Federal Reserve notes to the tune of a half billion dollars if the silver certificates were converted. Most nations of the world have a high regard for gold and silver, and I suspect that nations which have been rejecting our dollar and calling for our gold may also be interested in obtaining our silver. The past history in respect to the nations of the world that have been interested in our silver makes very interesting reading. I do not believe that Congress should permit that to occur.

The Federal Reserve Chairman, has stated, as did also the junior Senator from Colorado, that there is elbow room. The Federal Reserve Chairman has approximately $4 billion in gold reserves that he can use for backing our silver certificates at the rate of 25 percent, the same as the backing required for other Federal Reserve notes.

I do not believe anyone would question that figure with regard to the amount of money in circulation. But it should be noted that the Federal Reserve notes themselves, from 1955 to date, have expanded from approximately $25.2 to $30.1 billion in a period of 8 years, so we have added some $5 billion of credit of Federal Reserve notes to our system in a period of a few short years, and we have obviously increased the additional burden upon the gold backing of the Federal Reserve System.

Members of this body who were here a few years ago will remember—and those who were not undoubtedly read about it—that our former President, Dwight Eisenhower, regarded the transfer of approximately $300 million into gold as cause for great concern. It was such a cause that he took an unprecedented step and called publicly upon one of the largest manufacturers of automobiles in this country not to exchange $300 million U.S. dollars for gold in England, where the manufacturer planned to expand his automobile facilities. If $300 million in a gold drain was cause for concern several years back, I submit that a proposal for a $500 million gold drain with an added incentive to throw our silver stocks into the bucket is cause for grave concern by Members of this Congress.

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

Mr. BIBLE. I am delighted to yield to the senior Senator from Idaho.

Mr. CHURCH. Would not the distinguished senior Senator from Nevada agree with me that, whether the Treasury retires the silver certificates slowly in accordance with the plan suggested by the Secretary of the Treasury in his testimony before the Committee on Banking and Currency, or whether market conditions should force the Treasury rapidly to retire the silver certificates in exchange for Federal Reserve notes, in either case the end result will be the replacement of $1,800 million in $1 and $2 silver certificates for an equivalent number of Federal Reserve notes, and the burden on our dwindling gold supply would inevitably be increased in the amount of approximately $500 million?

Mr. BIBLE. The Senator from Idaho is eminently correct. I do not believe there is any question that what he has said is exactly what would happen. Whether it would happen in 1 or 2 years or 10 years from now if the bill were passed, there would still be increased pressure on gold.

Mr. CHURCH. So the argument that it would be done painlessly is, in reality, no argument at all, because whether it is done painlessly or painfully, depending upon how market conditions might require the Treasury to act, the unavoidable result will be to increase the burden on our dwindling gold supply by some $500 million.

Mr. BIBLE. The Senator from Idaho is 100-percent correct.

Mr. CHURCH. Is it not also true that despite the strenuous efforts of the present administration to correct our adverse balance of payments, to date those efforts have been unsuccessful. I noted in the newspaper this morning that the Secretary of the Treasury admitted that the outflow of our gold has again increased in recent months. He conceded his disappointment in this respect. So I think, in all candor, we must admit that the problem is far from solved. It haunted the last 3 years of the Eisenhower administration. It has not been solved in the first 2 years of the Kennedy administration. Therefore, what has occurred merely underlines the hazard of further increasing the burden upon our dwindling gold supply through the enactment of the pending legislation. Would not the Senator agree?

Mr. BIBLE. The Senator from Idaho is eminently correct.

The conclusion is inescapable. We cannot reach any other conclusion.

Mr. CHURCH. I commend the Senator for his observation. This is one of the serious questions which the Senate must face up to in connection with the proposed legislation.

Mr. BIBLE. I thoroughly agree.

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

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

Mr. BIBLE. Has the Senator from Idaho completed his questions?

Mr. CHURCH. I have. I thank the Senator.

Mr. BIBLE. I yield first to the junior Senator from Colorado.

Mr. DOMINICK. I thank the Senator from Nevada.

I was extremely interested in the development by the senior Senator from Idaho of the point he sought to make. I thought it was extremely well done.

I should like to know the opinion of the Senator from Nevada on this question. If the bill is passed today, we shall add to the burden of the Treasury and the people of the United States an increased drain on gold. We would seem to be doing so deliberately, because under our present system there is no possibility of avoiding that drain on our gold if we replace the silver certificates with Federal Reserve notes. Is that correct?

Mr. BIBLE. I think that is the end effect, yes.

Mr. DOMINICK. I should like to go a little further on the question, because it seems to me it is one of the key problems. We have a situation in which there is such a shortage of free gold that demands by foreign creditors on our free gold reserves, even at the present time without the proposed added requirements under the bill, could easily result in the technical bankruptcy of our country. I believe we now have approximately $3.8 billion in gold reserves in order to take care of potential claims in the neighborhood of $21 billion. If we should continue to lose our gold reserves, we could easily be forced into a position in which we either would have to dafault on payment of gold to various creditors, as we have agreed to do, or we would be forced into new legislation which would remove the gold backing from our currency and put the entire currency into terms of managed money. It seems to me that is the most serious point in the whole bill, although there are other points which are equally of concern to many of us.

In other words, is this a first step in putting the Congress and the American people in such a mood that if this should happen we would have to remove our own gold reserves behind our own currency? The administration spokesmen have said it is not. I think it is something the Senate ought to determine, with respect to what the effect could easily be as to accelerating the loss of gold in determining the mood of the Congress and the people in connection with gold reserves behind our currency.

Mr. BIBLE. I appreciate the observation made by the Senator from Colorado. I think this is one of the problems we should face.

In line with the thought of the Senator from Colorado, I believe there is pending on the House side of the Capitol proposed legislation to reduce the amount of gold backing to a percentage less than the 25 percent presently required.

These are all indications of the danger ahead, in my opinion.

Mr. DOMINICK. I thank the Senator for yielding.

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

Mr. BIBLE. I yield to the Senator from Alaska.

Mr. GRUENING. Does not the Senator from Nevada think, in view of the point so effectively made by the Senator from Idaho, the Senator from Nevada and the Senator from Colorado about the increasing drain on our dwindling gold supply and the failure of this administration, like its predecessor, to solve the balance of payments situation, that it is difficult to understand why this administration does not come forward with some constructive plan to enable us to mine more gold?

Both this administration and the preceding one have rejected various bipartisan proposals made throughout the years yet the administration fails to come forward in response to urgent request by Members of this body and of the other body, with any alternative. It allows our American gold mines to close. It watches our gold supply dwindle. It sees other nations reaching for our gold. Yet it takes no constructive action.

It is really puzzling to note the indifference to and lack of interest in this pressing problem, which affects what was once not only a very important segment of our mining industry, but also an important segment of our entire economy.

If there is a feeling, as has been expressed, that the proposal for a subsidy for gold miners, which most of us felt was a practical and innocuous proceeding, would cause a panic and a run on the dollar, which is an alarmist myth without any foundation in logic, I believe that the proposals which have been mentioned—to decrease the amount of gold necessary to back our paper currency—would be truly far more alarming. I wonder whether the Senator from Nevada has any comment to make on that situation.

Mr. BIBLE. As the Senator from Alaska well knows, I have joined him in cosponsoring practically every bit of proposed gold legislation the Senator has introduced, in the hope that some adequate incentive could be found to bring more gold into production.

Obviously, as an economic point, it is impossible for the miner today to exist, when he must pay higher wages and has higher costs of every kind, in the face of an absolutely straitjacketed price of $35 an ounce on gold.

As the Senator from Alaska knows, this problem has been probed over many sessions. I hope the Senator will continue his energetic pursuit of the problem in the hope that we can arrive at something concrete which will be of assistance in bringing more gold into the Treasury.

Mr. ALLOTT and Mr. CHURCH addressed the Chair.

Mr. BIBLE. I yield first to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I think probably Senators who are now in the Chamber are in general agreement on this question. We all have a common interest in it.

I am reminded, by the remarks of the distinguished Senator from Alaska, of the efforts the Senator made in starting hearings not long ago upon the general mineral question, in which hearings he specifically opened up the testimony to questions involving both gold and silver, even though these questions as monetary matters are ordinarily not considered by the Committee on Interior and Insular Affairs. I applauded the Senator at that time. I think he was very wise in so doing.

I have studied this problem; and personally I cannot see how we are to avoid further demands upon our gold reserves by passing the pending bill.

My distinguished colleague mentioned a figure of $21 billion, and I have also heard it more recently said that $23 billion of foreign credits are demandable in gold. I am not sure as to the exact figure. However, if we increase whatever the figure is by about $12 billion in gold necessary to back up our currency, this results in somewhere between $33 billion and $35 billion demand against our gold reserves which can be exercised.

There is no doubt about the fact that the International Monetary Fund took a very dim view of our fiscal policies in this country when it made the advance to us. We are in a precarious situation, because a small loss of confidence anywhere in the world, particularly in Europe, as to the integrity of the dollar, could start a "run," like an old-fashioned "run" on a bank; and then what my colleague spoke of would almost surely result.

I cannot feel that the pending proposal could do anything other than cause a greater demand upon our gold.

Looking at the basic problems involved from another angle, I hope that at some time legislation may be enacted looking toward a stimulation of the production of gold. It has been pointed out very well that gold simply cannot be economically produced at $35 an ounce.

I thank the distinguished Senator from Nevada for yielding to me.

Mr. BIBLE. I appreciate the comments made by the Senator from Colorado. I share them. I believe I made it abundantly clear that there will be further pressure on our gold.

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

Mr. BIBLE. I now yield to the Senator from Idaho.

Mr. CHURCH. Would it not be correct to say that we now find ourselves in a position which could be likened to that of a large water barrel which is rapidly running out of water, by virtue of the fact that we cannot turn off the spigot?

The spigot cannot be closed until we rectify our adverse balance-of-payments situation.

While the Government, under both this administration and the previous administration, has acknowledged its inability to turn off the spigot, it has likewise opposed putting any more water into the barrel, arguing that to do so would require incentive payments which might raise questions as to the value of the dollar.

Mr. President, as surely as I am standing on the floor of the Senate today, if the available gold supply in the Treasury continues to diminish, we shall inevitably come to the time, within a few short years, when our creditors abroad will be forced to demand gold—particularly the private creditors, who will come to see that unless they begin to demand gold, there will be none left, against which to exercise their demand. Once that becomes the case, no restraint upon them will be effective, and they will quickly exhaust the Treasury of the last of its gold supply. Then the very thing which the Treasury says would be most harmful will be upon us. Then the United States will have no recourse but to devalue the dollar, with all the impact that might have upon the finances of the Western World.

I intend to vote against this bill today. I shall vote against it because I believe it will further aggravate our gold outflow problem by imposing another half-billion-dollar burden upon our dwindling gold supply.

I cannot reconcile the position which, on the one hand, admits that the spigot cannot be turned off, and, on the other hand, contends that no action should be taken to fill the barrel.

We are headed for the fiscal shoals unless we can change direction, insofar as the integrity of the dollar is concerned; and no amount of protest that we will not devalue the dollar means anything in light of the indisputable fact that the Treasury is running out of gold.

In pointing up this essential defect in the bill, the Senator from Nevada is making a record on the floor of the Senate that I hope will be a warning to the Treasury to face up now to the need of either closing the spigot or filling the barrel before the moment of crisis arrives.

In that sense, I commend the Senator for the very effective public service he is rendering in making his speech this afternoon.

Mr. BIBLE. I appreciate the comments of the Senator from Idaho. A most difficult problem confronts us; and it could be a very catastrophic problem if it were not handled properly.

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

Mr. BIBLE. I yield.

Mr. MOSS. Is it not true that the intrinsic value of the silver that is used for coinage is approximately $1.29 an ounce?

Mr. BIBLE. The value of the silver used in the subsidiary coinage is about $1.38. The amount of the coinage used in the silver dollar is about $1.29. There are two plateaus, one at $1.29, another at $1.38. I shall comment on that aspect later in my speech. But it will not be too long, if some considerable study is not given to this problem, before even the second plateau will be pierced.

Mr. MOSS. The second plateau is $1.38. But all that is to be gained by

withdrawing the silver backing for the silver certificates is to make that silver available to the Treasury, which could be made over into the subsidiary coinage. Is not that the immediate effect so far as the Treasury is concerned?

Mr. BIBLE. There is expressed in section 2 of the bill language about which many of us have considerable doubt. The presentation seems to indicate that it would be possible to use it only for coinage. This is one thing we have to be very clear on.

Mr. MOSS. But so long as the price of silver is now approximately $1.27 or $1.28, the Treasury could very readily buy silver in the open market for coinage. It is not prohibited from obtaining the silver for coinage at a price that is available to the Treasury. Is that not correct?

Mr. BIBLE. The record is very clear that we are in short supply so far as silver is concerned. I do not know the exact amount. It is very well detailed in the report. But whereas world consumption is something like 330 million ounces a year, actual production is something like 250 million ounces. There is an imbalance of something like 80 million ounces a year as between consumption and supply on a worldwide basis. So we are in short supply with respect to silver.

Mr. MOSS. We import silver at this time.

Mr. BIBLE. We have to, because we produce so little of it domestically. That is correct.

Mr. MOSS. But if the price were to remain at $1.29, or go up a little, it might become profitable to mine silver again in our Western States, or it might permit the mining of other metals of which silver forms a reasonable part, and therefore some silver could be produced in certain areas. Is that correct?

Mr. BIBLE. I could not agree more with the Senator from Utah. The stockholders' reports of some of these mining companies provide fruitful information. Likewise, the stockholders' reports of users provide fruitful information. Every study of the stockholders' reports of the producing mines shows that with the price going from 90½ cents, to $1, to $1.05, to $1.10, to $1.20, and now almost up to $1.28, we might very well be approaching the day when more operations would be encouraged. It means more money for the producer, and he is better able to stay in business. The stockholders' reports reflect this fact.

In my own State of Nevada, I have been told by people in whom I have considerable confidence that even as to those mines that are solely silver producers, when the price goes up to $1.38, or in that area, it will bring more mines into production. We hope for that. We think that is good. It will give us an opportunity to correct the domestic supply, which we need to do, because we are dependent on foreign sources for our supplies. It would mean employment and thriving industries in areas of the West. So every increase of 1 cent in the price of silver helps the mine producer, and that is as it should be.

Mr. MOSS. And this will mean much not only to the silver mines, but to mines which produce other metals associated with silver, such as lead and zinc in my State. In my State the lead and zinc mines have been closing down to the point where there is only one operating now. But with the price of silver going up, the margin is close to the point where these mines may be opened again.

So, rather than arrest this price increase by the device which the bill would employ, we should look forward to the time when the price of silver, finding its level, will encourage production. In addition to the production of the commodity itself, there would also be an economic stimulus in our Western communities and States.

Mr. BIBLE. It would certainly help the mines that have silver as a part of their production; and that includes the lead and zinc mines.

Now I wish to continue with my statement.

I know that history records that nations which have no metallic backing behind their money have inflation at the wink of an eye and their citizens do not know from one day to the next what the value of their currency is worth. Brazil is an excellent example.

I want the dollar to be worth a dollar. I want it to have a metallic backing which is intrinsic and cherished throughout the world—even in face of a managed currency, and we must be objective—that is exactly what we have, a managed currency, to the extent that it can be managed.

I think the management practices in recent years with regard to our silver stocks have been deplorable. It was evident to many of us, back in 1959, that a run was being made by six or seven of the large silver users, when figures were made available showing just who was securing our Treasury supplies of silver at 90.5 cents per ounce. There was no law forbidding this practice, but the administration at that time could have taken steps to stop the outflow of silver stocks, just as President Kennedy did on November 28, 1961.

In that time the stocks had deteriorated to something like 30 million ounces of free silver.

I commend the Senator from Idaho for the leadership he took in having the sale of free silver stopped. Personally, I thought the sale should have been stopped at an earlier date. If it had been, we would not have the problem we have today. In any event, it was stopped.

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

Mr. BIBLE. I yield.

Mr. CHURCH. I appreciate the Senator's remarks and his help, at that time, as we tried to get the Treasury to stop its sale of free silver. The President issued the stop order in November 1961, but only after the supply of free silver had dropped to the point where it was nearly exhausted.

Does not the Senator agree with me that the same policy that the Treasury followed during the months before November of 1961; namely, of selling free silver into the open market, in order to peg the price of silver at a level of 90½ cents an ounce, is exactly the policy that would be open to the Treasury to follow upon the enactment of this legislation; that is to say, when the price rises above $1.29, the present monetary value, the bill would enable the Treasury to commence selling whatever excess silver may be available in the Treasury, freed from the exchange of silver certificates for Federal Reserve notes, and this will keep the price at $1.29 an ounce until its supplies are exhausted; and as unfortunate as the policy was in the months before November 1961, it is a little difficult for me to understand why we are now about to pass legislation which will clear the way for the Treasury again to pursue the same kind of policy.

As the Senator well knows, I intend to offer an amendment to the bill which would close this door to the Treasury, and hold the silver supply for our future coinage needs and for other public purposes, thus serving the public interest, while letting the price of silver be determined in the free market, where it belongs.

I hope our past experience will suffice to demonstrate the wisdom of such a course of action and that the proposed legislation now before the Senate will be amended in this way.

Mr. BIBLE. I appreciate the observation of the Senator from Idaho. I thoroughly agree with him. One of the real concerns I have about the bill—and the statements that have been made—is that if this matter was managed so badly in the past 5 or 6 years, how can we hope for better management in the years ahead? That is why I commend the Senator from Idaho for the amendment which he will offer, and of which I am a cosponsor. I will support it enthusiastically.

I should like to hurry along and complete my statement because I realize many other Senators wish to be heard on this subject.

The point is constantly made that there is great urgency for this legislation. I do not believe that the facts bear out that statement or claim.

The world production of silver, it is said, will not meet our expanded industrial needs, our coinage and our defense needs. It is short approximately by 100 million ounces per year. I wonder if some have not already started hoarding silver, awaiting the day that they can exchange the silver certificate for silver at the monetary figure of 1.2929—knowing and praying that silver will continue to be held in high esteem and that nations of the world will be using more and more silver as time goes on. Silver dollars held by anyone would then become profitable to melt down or sell on the open market once the monetary value is pierced.

There is not the urgency for this legislation which is so stated. The Secretary of the Treasury has already stated he can, by redeeming $5 and $10 silver certificates, keep our coinage requirements ample for several years.

There exists a greater—much greater—emergency, than existed 8 years ago,

for the price of silver today is approximately 1.28 per ounce, near our monetary standard set for the dollar in 1792.

This urgency could have been met by raising the monetary value, if the Secretary of the Treasury believes that our coins would soon be melted down should the price exceed the monetary standard. The original figure of 1.2929 has stood for many years and perhaps there existed a sentimental attitude that this figure should not be changed. Some would say it would be an act devaluing our dollar—or an inflationary act of our Government.

Nevertheless, the figure was originally set on a basis when bimetallism was popular and it was believed that the ratio of 15 to 1 for silver and gold was a good figure. The history, as many of you know, dates back to Sir Isaac Newton, long before our Government took such action. Since 1792 the figure has stood; and to my knowledge the Treasury has not recommended such action be taken to raise the monetary standard.

Now we are faced with issuing Federal Reserve notes and calling in our silver certificates. The Treasury and Federal Reserve sees no danger in this action; except to point out that sooner or later we will be faced with another problem and that is subsidiary coinage; when the price of silver rises to 1.38 per ounce we can then melt down our dimes and quarters and should the price go higher, a profit can be made.

I believe that if we pass this legislation in its present form we will deplete our valuable silver stocks and the subsidiary coinage problem will be a problem which this body will have to meet much faster than is now predicted.

We will cause a drain on our gold supplies to the extent of a half billion dollars and we will issue Federal Reserve paper notes, with 25 percent backing in gold but neither you nor I, nor anyone else, can obtain that gold in exchange for a Federal Reserve note. It must be retained in our Treasury. This will not be the case with silver if we do not take action to amend the present bill.

It has been said that the United States, as great a nation as it is, cannot afford not to redeem its silver certificates and I agree. I do not agree that the Secretary of the Treasury should be permitted to sell silver bullion once the market price of silver goes beyond 1.2929 per ounce.

With the Federal Reserve backing the replaced silver certificates with 25 percent gold—an additional burden which does not now exist will be thrust on our citizens and taxpayers and that will be to assist in carrying interest charges on 1.3 billion new Federal Reserve notes to the extent of 75 percent which will be in the form of bonds or paper required for the Federal Reserve to make up the difference in the 75 percent value of the newly created $1 Federal Reserve notes. These annual interest charges on 75 percent of the collateral which the Federal Reserve must hold to back up the replaced silver certificates has been calculated at the rate of $45 to $50 million per year. This figure was given at the Senate hearing by a competent authority and, to my knowledge, was not questioned.

In addition, the Chairman of the Federal Reserve testified in the hearings 8 years ago that it cost the Federal Reserve approximately 5 percent annually to keep a Federal Reserve note in circulation. This would mean an additional interest cost of $75 million annually. By contrast, the present silver bullion backing costs only storage charges and a small printing charge of some $8 or $9 million yearly.

Our balance-of-payments problem is a troublesome one, and we need to correct this problem. Our outflow of gold is interrelated to the balance of payments and is also a troublesome problem. Our national debt, increasing annually, and our interest charges—now over $10 billion annually—are all problems which we must face. They are problems of the greatest magnitude and I know our President and Members of this body are concerned with all of these related problems. We have a difference in opinion as to how to correct some of them. This is natural and to be expected.

I believe that we must now face up to the fact that the Silver Purchase Act is outmoded. I believe that we may have to issue Federal Reserve notes and replace our silver certificates; but I cannot go along with those who would take away our gold backing from our managed currency—the Federal Reserve notes—as has been proposed year after year in the Congress.

I cannot be a party to adding to our outflow of gold by a half billion dollars and throwing in for good measure our valued silver stocks. I suggest at this late date that there is still time for debate on this subject—still time to correct the legislation before us—still time to improve upon its content.

I hope that other Members of this body will join me in requesting a more thorough study of how this legislation is a part and parcel of our fiscal policy and not just a monetary problem which can be resolved in such an easy fashion as outlined in the present legislation.

I submit that this legislation can be improved. It can be improved on the floor of this Senate and it should be improved.

We could not begin to pay off our foreign obligations should foreign nations choose to call for our gold stocks. Our gold stocks, low as they are—slightly over $15 billion—could evaporate tomorrow if foreign nations lose faith in our dollar.

We cannot now afford to dissipate our silver stocks as small as they may be in relation to our money supply. The silver bullion in our Treasury vaults is a valuable asset. It has proven so many times in the past—in times of war when friendly nations called upon our supplies to use in coinage—to bolster their currency and meet their industrial needs.

With silver becoming more valuable day by day we cannot afford to permit legislation to pass this body which will cost the taxpayer more money in interest charges; which is inflationary and which will ultimately deplete our Treasury of its silver. The least we can do is keep it and protect it for use in meeting our growing coinage needs and for use in our defense, where it has become a valuable metal. This can be done and should be done and it can be accomplished very simply in the legislation.

Mr. President, the proposed legislation is sorely in need of amendment and, as I have previously indicated, I am happy to be a cosponsor and will energetically and enthusiastically support the amendment of the distinguished senior Senator from Idaho [Mr. CHURCH].

Mr. ALLOTT. Mr. President, I know the distinguished Senator from Idaho has been waiting to take the floor, and he has been waiting for a long time. I would like to ask him to let me speak for not more than 5 minutes, in order that I may attend a committee meeting at 3 o'clock this afternoon.

Mr. President, in a frantic effort to persuade the farmers of this country to vote yes in the referendum, the administration literally rammed through feed grain legislation. It passed the Senate last Friday and was signed into law on Monday. Speed was the criterion and in the haste to get the law on the books, the feed grain bill was passed in spite of a patent defect; namely, the reference to a nonexistent section. This is unwise legislating.

I am fearful that today there is a repetition of this hasty process in the consideration of H.R. 5389, at least insofar as section 3 of title I is concerned. This is the controversial section which would amend the Federal Reserve Act so as to authorize the issuance of Federal Reserve notes in denominations of $1 and $2.

I have looked at the rather short hearings that were held on the bill, which in my opinion involves more critical areas than any bill that we have considered for a long time. It not only involves our trade agreements and our trade with foreign countries, but also involves inflation, our gold reserves, the relation between silver and gold, and the wealth and prosperity of the entire West. No other bill that has come before us has covered so many fields.

The Treasury indicates that it now has an adequate supply of silver for coinage purposes to last until sometime in 1965. This is probably an estimate on the modest side.

What is of greatest concern to me is the fact that this may be a step along the way toward devaluation of our currency.

Several Senators have mentioned this point, including the senior Senator from Idaho and the senior Senator from Nevada. We have had assurances from Secretary Dillon to the contrary, but it appears to me that this section 3 of the bill deserves a great deal more study. I am in accord with the thinking expressed by the Western Governors in a resolution they adopted on April 22, 1963, which states:

> (3) That proposals to authorize the issuance of $1.00 Federal Reserve notes be rejected until such time as a thorough study has been made of the entire silver situation by Congress and the Treasury Department.

No complete study of the silver and gold situation has been made by Congress for a long time, that I am aware of.

Every piece of legislation relating to silver or gold has been immediately referred to the Banking and Currency Committee. I have introduced a number of bills over the past few years, and they have all been referred to the committee. I have never been able to obtain a hearing on any of those bills.

It seems to me that if it is proposed to have hearings they should be held.

One of the arguments offered by Treasury in support of section 3 is that our current stocks of silver will soon be inadequate to meet coinage needs, and that when current stocks are exhausted the United States will have to buy silver in the open market. Since the United States produces an insufficient quantity, this means that purchases will have to be made abroad. The result, according to Treasury spokesmen, would have an adverse effect on our balance of payments. This would not be the case, however, if greater attention were paid to our balance of trade. Our balance of payments is really a twofold problem consisting of first, gold input versus outflow; and second, balance of trade. The latter is the key factor. If the factors which make up the balance of trade were favorable to the United States, we would not be experiencing the current drain on our gold supply. In other words, two wrongs do not make a right. I referred to this point in my comments a few moments ago.

Before we plunge into an area of great uncertainty, it seems to me that greater consideration should be given the entire subject. In this connection, an editorial published in the Mining Record for March 28, 1963, casts a very disapproving view on the Treasury proposal. I ask unanimous consent that the editorial be printed at this point in my remarks.

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

SEQUENCE OF INFLATION

The Secretary of the Treasury is now asking Congress for legislation providing that silver certificates be discontinued and the Federal Reserve banks be authorized to issue, $1, $2, and $5 Federal Reserve notes to replace such silver certificates. This, of course, comes as no news to the readers of this paper. Under the existing laws these Federal Reserve notes are presumed to have a 25 percent gold reserve. In law that is called rebuttable presumption. Right now, our National Government is several billion dollars short of having enough gold to meet all its short term liabilities without allowing any gold reserve for Federal Reserve notes. To a private individual that would mean bankruptcy, but it seems to be a matter of small moment in Washington.

So, what next? Well, one of these days the U.S. Treasury will point out that we really do not need a 25 percent gold reserve because the American people cannot own gold anyhow. The Treasury will also resume selling silver to silver users, because after all the world production of silver is less than the consumption of silver by some 150 million ounces, annually, and silversmiths and silver users must be accommodated.

When that happens, our Government will have but two alternatives: (1) It can meet those demands for payment in gold as long as the gold reserve lasts, or (2) the Government can refuse to make further payments in gold. In either event, the result will be the same. The moment this Nation ceases paying in gold, either voluntarily or because it has no gold left, the purchasing power of the Federal Reserve paper dollar will start plummeting downward. The purchases we make overseas will begin costing two and three times as many paper dollars as they now cost, when these paper dollars spent overseas can still be redeemed in gold at the lowest world price of $35 an ounce. When the buying power of these paper dollars drops that way, it will require more paper dollars with which to buy military supplies or pay rent, or other costs and, in turn, that means our printing presses will have to print three times as much paper money as now. From there on, prices in terms of paper dollars will rise rapidly.

That situation is not new in this country. It happened to the same kind of paper money the Continental Congress issued before the U.S. Constitution was adopted. That is why the Constitution of the United States refers only to gold and silver and speaks of coining money and silver and gold coins. Nowhere does it mention paper money. The writers of our Federal Constitution had experience with paper money. They knew it became worth less and less. Whether it be called shinplasters, continentals, greenbacks, or Federal Reserve notes, the result is inflation.

Unfortunately, it seems our bureaucrats in Washington must learn the lessons of history all over again. This acute inflation is coming. We do not know when it will hit, but if you want to avoid the effects of it—if you want to have inflation-proof money, you can have it. Simply lay in a supply of silver money—quarters, dimes, and half dollars. Even in an acute inflation these silver coins will still buy food and the necessities of life, while the holders of paper money are finding it takes scads of paper dollars to buy even a loaf of bread.

An acute inflation will last only 1 or 2 months. But in that time you can starve. And if you are not prepared for that inflation, you will find yourselves selling heirlooms and all manner of personal property, even wedding rings, just to buy one single meal. But even in an inflation a silver dollar will still buy its worth in food.

How will it end? Well, Congress will legislate a new monetary system, and each unit of that system will by law be made exchangeable for so many hundreds or thousands or even millions of paper dollars. All debts will be wiped out, including those owed by the U.S. Government. But we will bet one sure thing will happen. The new money will be gold and silver—hard cold cash.

Again, the Treasury cannot let the price of silver go above its coinage rate of $1.29 an ounce for dollars, or $1.38 an ounce for subsidiary coins. If it did, it would be profitable to melt the silver coins and sell the silver. So, to keep the price of silver below its coinage price the Treasury will again start selling silver. Somewhere along the line, the Treasury will also ask for authority to melt its "excess" silver dollars on the ground that they are unnecessary and the silver is needed elsewhere. All this will eventually lead to the situation where we have neither gold nor silver bullion as reserves to support the paper currency.

Then, too, some time in the not too distant future one or more of the foreign nations which owns short-term liabilities of this country, which are payable in gold (and these liabilities now exceed $20 billion), will become fearful of our ability to pay their claims in gold and so demand immediate payment in gold. The wonder is that they haven't done so already.

Mr. ALLOTT. Mr. President, in my judgment, the remainder of H.R. 5389 is needless legislation, with the exception, however, of the amendments which the distinguished senior Senator from Idaho and other distinguished Senators propose to offer. I believe that both of those amendments have very great merit, and I shall support them. However, I cannot support the bill so long as section 3 remains in it. It seems to me that this is one question upon which the Senate should have an opportunity to make a complete and open record. We of the West and others who believe that the bill would actually be a step toward inflation—that is, a step damaging to our gold reserves—would like to have our votes spread on the RECORD, for the country to see.

Colorado has a vital stake in the proposed legislation. In the period from 1858 to 1959 Colorado mines produced $598,714,121 worth of silver. In recent years, there has been a decline to a point where in 1962 Colorado mines produced 2,025,825 troy ounces, and so far this year approximately 399,523 troy ounces.

In other words, let us not legislate in haste; it may be exceedingly difficult to undo what is being done here today.

I reemphasize that the effect upon our country and our economy may be of very long duration.

Mr. CHURCH. Mr. President, I wholeheartedly agree with the views of the distinguished senior Senator from Colorado. He has pointed out the basic danger in the bill and the basic reason why I, personally, shall vote against its passage. I hope that it may be possible to amend the bill, so as to make it satisfactory; however, I am not sanguine as to the prospect for doing so. Nevertheless, I think the effort should be made. Therefore, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, it is proposed to strike out line 3 and capitalize the first word of line 4.

Mr. CHURCH. Mr. President, on page 2 of the bill, the amendment would strike line 3 and begin a new sentence with the first word of line 4. The sentence would then read:

The Secretary of the Treasury shall not dispose of any silver held or owned by the United States in excess of that required to be held as reserves against outstanding silver certificates, but any such excess silver may be sold to other departments and agencies of the Government or used for the coinage of standard silver dollars and subsidiary silver coins.

The part to be stricken is the clause which precedes the sentence which I have just quoted from the printed bill, and which appears on line 3, page 2, as follows:

Unless the market price of silver exceeds its monetary value,

The effect of the amendment would be to deprive the Secretary of the Treasury of authority, otherwise reserved to him under the bill, to sell silver to private purchasers at a price higher than its monetary value.

I wish to point up the second paragraph of the general statement on page 1 of the committee report, which reads as follows:

H.R. 5389 would take the Government out of the silver market. It would permit a free silver market, not restricted by prohibitive

transfer taxes, and neither supported by Government purchases (at least for many years) nor depressed by Government sales.

I wholly agree with that objective. But the footnote at the bottom of page 1 of the report explains that the objective would not be fully achieved by the proposed legislation. The purpose of my amendment is to make the legislation serve the stated objective. I read the footnote:

The fact that the holders of the $1.8 billion of silver certificates now in circulation could present them at the Treasury and demand silver in exchange at the monetary value of $1.29-plus an ounce (established by the act of January 18, 1837 (5 Stat. 137), which prescribed the weight and alloy of the dollar, so as to call for 371.25 grains of fine or pure silver in a standard silver dollar) would keep the market price from rising much above that figure. To that extent the silver market would not be completely free. But there is no way to avoid this except by dishonoring the Government's pledge to exchange silver certificates for silver.

Mr. President, I disagree with the accuracy of that footnote. No one suggests that the Government's pledge to exchange silver certificates for silver be dishonored. Nor does the reservation of authority to sell silver into the market at a price higher than its monetary value bear directly on this question. If there is a run on the Treasury's silver there is no defense so long as silver certificates are outstanding. The Treasury can yield up its silver in exchange for the certificates, or it can sell silver in the open market; but in order to free silver for sale, in excess of the reserves required to cover outstanding certificates, it will first have to retire an equivalent value of certificates. This is true because the Treasury's reserves of free silver are not now significant, amounting to only some 30 million ounces, and because the Treasury must always hold in reserve enough silver to back, at the full monetary value, whatever silver certificates are outstanding.

I suggest, however, that there is a way to bring about a genuinely free market in silver. The first step is to prohibit the Treasury from selling into the open market silver freed by the retirement of certificates. My amendment would do this.

The second step is for the Treasury to retire the certificates outstanding while the market price of silver remains below its monetary value. This would require, in order that a sufficient quantity of small denomination currency remain in circulation, that the Federal Reserve make up for the retirement by exercising the authority, granted to it by the bill, to issue Federal Reserve notes in these denominations, backed by gold and securities of the Reserve system.

Since the Treasury seems determined to retire the certificates backed by 1.8 billion ounces of silver, and has won the endorsement of the committee for this course of action, common sense requires that this substantial amount of silver be conserved for future coinage requirements, rather than be dissipated into the market in a costly, and ultimately vain, effort to keep the price of silver pegged at $1.29 an ounce.

Secretary Dillon testified that free world production of silver is now running about 200 million ounces a year; consumption is around 350-million ounces. Since 1961, when the Treasury finally stopped selling silver at 90½ cents an ounce, the price has risen more than 40 percent. In 1959, 1960, and 1961, the Treasury sold, for 90½ cents an ounce, some 110-million ounces of silver. If this silver had not been sold into the open market, it would now be worth something more than $41-million over and above what the Treasury received for it. Now the Treasury proposes to stabilize the price of silver, in the face of the supply-demand factors which would surely cause it to go higher, at $1.29, and specifically reserves, in the bill now before us, authority to sell silver into the open market as soon as it goes above that price.

Mr. President, I objected, in 1960 and 1961, to the Treasury's policy of squandering its supplies of free silver by voluntarily selling at a price which artificially depressed the market. That practice was finally stopped. But, Mr. President, I may say that it was not stopped until the President issued a stop order. Now the Treasury has made perfectly clear, in the hearings on this bill, its intention to stabilize the price of silver, for as long as possible, at or near $1.29 an ounce, by overhanging the market with more than 1.8 billion ounces to be made available for sale by the retirement of silver certificates.

I ask why? Why should the Treasury have sold, in the years immediately preceding the President's stop order issued in 1961, 110 million ounces of silver, now worth $1.28 an ounce at 90½ cents an ounce? Why should it now propose to sell silver, in a rising market, with consumption outrunning supply by 150 million ounces a year, the minute the price rises above $1.29? There is no answer, Mr. President, except that the Treasury intends to continue its policy of subsidizing a few industrial and commercial purchasers of silver at the taxpayer's expense. I protest this giveaway of an immense asset owned and paid for by the people of the United States, for the benefit of the few who would be placed in a privileged position by the policies of the Treasury.

The only policy which would be fair to the taxpayers, who own this silver, and which would serve the public interest, is the one called for by my amendment. Let the Treasury forgo its requested authority to sell silver into the market. Let the Treasury defend itself against a run on silver certificates by retiring them promptly, while they are still worth less as silver than they are as currency, holding the present stocks of bullion for future coinage requirements.

If this is done, the price of silver will rise gradually, until market forces bring about a balance of supply and demand. Meanwhile, both producers and consumers will have an opportunity to adjust to these factors, as they should in a free-market economy. If it is not done, the price of silver will be artificially stabilized, at the public's expense, for a number of years—perhaps 10, perhaps only 8 or 6 or fewer still. At the end of that time, the Treasury's excess silver will have been exhausted. The price will then rise abruptly. There will be no recourse but to make drastic adjustments in the monetary value of silver, or to abandon silver coinage, and every ounce of silver sold in the intervening period will represent an unjustifiable giveway of a valuable asset owned by the people of the United States.

Mr. President, for these reasons, and by virtue of the experience we had only 2 years ago, when the Treasury persisted in a policy similar to the one authorized in the pending legislation, I believe this amendment should be adopted; and I urge that the Senate act favorably upon it.

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

The PRESIDING OFFICER (Mr. McGOVERN in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ROBERTSON. Mr. President, I am opposed to the amendment offered by the distinguished Senator from Idaho [Mr. CHURCH]. I think it would have no practical value but might well lead to confusion. I see no reason why we should go to conference with the House over this proposal.

The reported bill prohibits the Treasury from selling silver on the market unless the market value is above the monetary value of silver—$1.29 an ounce—except for sales to other government agencies. The Senator's amendment would prohibit sales of silver by the Treasury on the market even when the market price is above its monetary value.

I understand that the provision which this amendment would change—the second sentence of section 2—was inserted at the request of the silver producers in order to make sure, by a prohibition embedded in the statute, that the Government could not continue to depress market prices below the monetary value of silver by sales in the market at prices below $1.29, as was done up to November 28, 1961. It is interesting to note that this provision was not in S. 2885, 87th Congress, the administration bill, which I introduced by request last year, but it was, I understand, inserted this year at the request of the silver producers for their protection, and it was accepted by the House and by the Senate Banking and Currency Committee on the understanding that it was designed to protect the producers.

I think the amendment would be meaningless for all practical purposes. The footnote on the front page of the committee report points out that the market price of silver cannot rise substantially above $1.29 an ounce as long as there are silver certificates in circulation which can be presented to the Treasury in exchange for 371.25 grains of fine or pure silver, either in bullion or

silver dollars. What citizen, what businessman, would pay substantially more than $1.29 an ounce for silver, either to the Treasury or on the market, if he could get it from the Treasury for $1.29 an ounce by presenting silver certificates?

It is true that it may be inconvenient to get silver from the Treasury, if the Treasury puts the holder to the trouble of coming to Washington to get it in his own armored truck, but even this expense would not be so great as to warrant a substantial rise in prices above the monetary value. And, of course, while the Treasury is not required by law to exchange silver for silver certificates anywhere else but at the Treasury, it may, as it now does, supply silver dollars through the Federal Reserve banks and commercial banks for the convenience of people who want silver dollars.

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

Mr. ROBERTSON. I yield.

Mr. SALTONSTALL. It seems to me that the amendment offered by the Senator from Idaho, first, would cause confusion in the way the bill would read without the language which the Senator would strike out; and secondly, and most important, would permit the Secretary of the Treasury to sell silver or to dispose of silver to other departments of the Government at any price he saw fit.

Mr. ROBERTSON. The Senator is correct.

Mr. SALTONSTALL. Therefore, it would not protect the producers of silver, which, under the terms of the bill, could be sold to other departments only when the price of silver was in excess of $1.29 an ounce.

Mr. ROBERTSON. The amendment is not needed to protect silver producers. As I have pointed out already, we put in the bill the restriction recommended by the smelters and producers, which was that the Treasury silver could not be sold on the open market until the price went to $1.29 an ounce, when it would become theoretically profitable to melt down silver dollars for the silver in the dollars.

But the amendment really would not protect the producers in any practical way because, as I said, and as the Senator from Massachusetts has pointed out, so long as there are outstanding silver certificates and so long as the United States honors what is printed on them—and I cannot imagine our Government repudiating the promise that those are redeemable in so many grains of pure silver—who would go to Idaho or somewhere else to buy silver at more than $1.29 an ounce, when he could get silver at that price in exchange for silver certificates?

The amendment would only complicate the bill and leave things in doubt as to what could be done under the other section of the bill about the redemption of silver certificates, if the Senate should agree to the amendment. Also the Senate would have to go to conference with the House. I think we would be in a very weak position, in view of the fact that the House amended the bill at the request of the silver producers, and at that time satisfactorily so. Now, after the House has acted by a roll call vote, and after the Senate committee has acted, an additional request is made, to the effect that, "We are still not satisfied. We want to amend it further."

Mr. SALTONSTALL. Which would merely cause confusion in this industry.

Mr. ROBERTSON. Shortly I shall read a letter from the distinguished Secretary of the Treasury, in which he says that the amendment would have no practical value but would lead to confusion, that the amendment is quite unnecessary, and that he hopes the Senate will not agree to it.

Mr. President, I want to repeat and to emphasize what we said in the committee report, that since the price of silver cannot rise appreciably above $1.29 as long as there are silver certificates outstanding, the amendment would have no practical effect.

In my judgment, the amendment would also be confusing. It would prohibit sales of silver by the Treasury when the market price exceeds the monetary value however little the overage. It seems to me the public might well think this repealed the right of holders of silver certificates to get silver from the Treasury.

I think this is not the intention of the amendment, and I would hope that it would not be so interpreted. Nevertheless, it seems to me that people could easily believe that a prohibition on sales of silver at anything over the monetary value would prohibit the exchange of a $1 silver certificate for anything over $1 worth of silver. I think most economists and lawyers would consider this transaction a sale, a sort of put or call contract. I am sure it is not the intention of the Senator from Idaho in proposing his amendment to dishonor the Government's pledge which is printed on every silver certificate, but it seems to me the amendment would lead to a great deal of confusion and misunderstanding.

We are considering H.R. 5389, a bill reported from the House Banking and Currency Committee and passed by the House on a roll call vote. The Senate Banking and Currency Committee reached the conclusion that the bill in its present form was satisfactory. I should be reluctant to have the Senate adopt an amendment and ask the House to go to conference on the amendment when we could not demonstrate that the amendment would have any substantial effect and when the amendment itself would surely cause confusion and uncertainty in the public mind.

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

Mr. ROBERTSON. I yield.

Mr. SALTONSTALL. I believe there is a sufficient number of Senators in the Chamber to have the yeas and nays ordered.

Mr. ROBERTSON. Mr. President, I yield to the Senator from Massachusetts with the understanding that I shall not lose my right to the floor, for a request to have the yeas and nays ordered on the Church amendment.

Mr. SALTONSTALL. Mr. President, I ask for the yeas and nays on the Church amendment.

The yeas and nays were ordered.

Mr. ROBERTSON. Mr. President, Secretary Dillon has written me a letter expressing his opposition to the amendment. I should like to read this letter into the RECORD at this point. It is dated May 22, 1963:

> DEAR SENATOR ROBERTSON: In answer to your inquiry, I would be opposed to an amendment of H.R. 5389, the administration's silver bill, which would prohibit the Government from selling silver.

That is what the amendment would do, regardless of how high the price of silver might go.

> Such an amendment is unnecessary and would be meaningless in view of the obligation of the Treasury to redeem silver certificates in silver on demand at the monetary value of $1.29-plus per ounce. In the light of this obligation, which as you know is contained both in the present law and would be continued in the bill now pending before the Senate, it is hard to see why silver purchasers would be willing to pay in excess of the monetary price for silver either from the Treasury or in the market. The principal danger of such an amendment would be that it could raise a question in the public mind of whether it was in conflict with the obligation to redeem silver at $1.29-plus per ounce.

I add that the price of silver must go to a fraction more than $1.29 an ounce for the silver which is in a silver dollar to be worth more than $1.

The Secretary also said:

> I feel this confusion could arise from the apparent contradiction between the obligation to redeem and a prohibition against sale.
>
> Since an amendment of this kind is unnecessary and could be mischievous in the way I have indicated, I hope that it will not be favorably considered by the Senate.
>
> Sincerely yours,
>
> DOUGLAS DILLON.

Mr. President, on the basis of the action taken by the House and the action taken by the Senate committee—and the failure up to this time of anybody from a silver-producing State to outline the inadequacy of the provision now in the bill which was adopted at the request of the producers, merely to prohibit sales unless the price went above $1.29 an ounce plus—I hope the amendment will not be agreed to, and that the Senate will vote for the bill as passed by the House, so that it will not be necessary to have a conference and that we can conclude our consideration of the proposed legislation. If that course is followed, the bill will go to the President, where it will be signed because, after all, it is the President's bill. I have introduced the bill by request, but I endorse it. I think it is a good bill.

I yield now to the Senator from Rhode Island [Mr. PASTORE].

Mr. PASTORE. Mr. President, I want to associate myself with everything the Senator from Virginia has said. This bill is in the public interest. This job needs to be done. Unless we pass the bill, we shall be in serious trouble. The United States will be compelled to go on the open market to buy silver at a very inflated price. It will increase the problem of our balance of payments.

I hope the bill will be passed intact. It is an administration bill. I take this

occasion to congratulate my good friend from Virginia, who has done an exemplary and splendid job on this legislation.

Mr. ROBERTSON. I thank my friend from Rhode Island. I recall that on Tuesday I said, with respect to the current shortage of sugar, that it was easier to increase the price of sugar than it was to increase the supply of silver; and we are now consuming one-third more than is being produced. Because some of the candy manufacturers are being hurt, I took occasion to say what the present increase in price from 6 cents to 12 cents a pound in sugar would cost the consumers in this Nation. I find that it is estimated that our consumption will be 10 million short tons. On that basis a 6-cent increase would cost $1.2 billion. That just shows how, when inflation gets behind something in short supply, it quickly amounts to big money.

As the Senator from Rhode Island pointed out, we must protect our coinage. We have the opportunity to do so by freeing the silver certificates and letting them be replaced by Federal Treasury Notes with 25 percent gold backing, and the rest backed by the collateral of Government bonds, and reserving that silver both for coins and for essential uses, like batteries for submarines.

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

Mr. ROBERTSON. Gladly.

Mr. BIBLE. The report of the committee of which the gracious and distinguished Senator from Virginia is the chairman contains this language under the general statement:

> It would prohibit the Government from selling silver, restricting the use of free silver to coinage and sale to other Government agencies, unless the market price exceeded the monetary value.

My understanding of the position in which we find ourselves at this very moment is that there is still approximately $1.8 billion outstanding in silver certificates.

Mr. ROBERTSON. That is correct.

Mr. BIBLE. And I am certain that the senior Senator from Idaho has no intention of having the U.S. Government repudiate its pledge to redeem those silver certificates.

Mr. ROBERTSON. That is correct.

Mr. BIBLE. I am certain that the senior Senator from Idaho has no intention of having the U.S. Government repudiate its pledge to redeem silver certificates.

Mr. ROBERTSON. I said so in my remarks.

Mr. BIBLE. In other words, those of us who have been discussing the situation today are in thorough agreement, that if the holders of the $1.8 billion of silver certificates took that amount of silver certificates to the Treasury or the Federal Reserve banks, they could receive in exchange $1.8 billion in either silver dollars or bullion.

As I understand the position of the Senator from Virginia, this particular sentence would apply only in the event that the price went beyond $1.2929 per ounce.

Mr. ROBERTSON. That is correct.

Mr. BIBLE. This would apply to how much silver?

Mr. ROBERTSON. We have no way of knowing; but I have just said it is not reasonable to assume that, while we have silver certificates outstanding which are redeemable at $1.29-plus, anybody will go to an Idaho mining company and pay $1.35 for silver. In other words, this supply would stabilize the price for a while.

Mr. BIBLE. I am clear about the statement so far as concerns the silver behind the silver certificates. In what instances can the Treasury sell silver which is not back of the silver certificates?

Mr. ROBERTSON. Will the Senator restate that question?

Mr. BIBLE. There are $1.8 billion worth of silver certificates backed up by an equivalent amount of silver.

Mr. ROBERTSON. That is correct.

Mr. BIBLE. As to that particular amount of silver certificates, I think it is conceded that the pledge of the U.S. Government will be honored; and if those certificates are presented, they will be honored either by payment of coin or silver bullion.

Mr. ROBERTSON That is true.

Mr. BIBLE. That being true, what silver can the Treasury sell?

Mr. ROBERTSON. There are outstanding now about $398,800,000 in silver coins, 10 cent, 25 cent, 50 cent, and $1 pieces. Those silver coins will still be in existence, but all of the current backing of the $1.8 billion silver certificates will be withdrawn and be made available to the Government over a period of perhaps 12, 16, or 18 years, to back our monetary demand, plus the essential needs of our own Government agencies for silver, as in the case of batteries for submarines, which metal is much better than any other metal we can get for that purpose.

Mr. BIBLE. In my considered judgment, one of the parts of this problem has been the sale of free silver by the Treasury in the past, particularly up to November 1961. As I understand, the only amount of free silver still in the Treasury is 30 million ounces.

Is it the Senator's position that the Treasury can or cannot sell this free silver stock?

Mr. ROBERTSON. That stock is restricted, by the provisions that were agreed upon with the producers, to the backing of our currency and the use of our own Government agencies, unless, and until, the price goes beyond $1.29-plus.

Mr. BIBLE. I think I am very clear. We are talking about 30 million ounces of silver, but up to the price of $1.2929, the U.S. Treasury can use that silver only for coinage or sell it to Government agencies for their use. Is that correct?

Mr. ROBERTSON. And when the bill was before our committee and the House, the silver producers agreed that they were fully protected.

Mr. BIBLE. Whether they are or not—and I am frank that I do not know—up to the price of $1.2929, the Treasury can sell its stock of free silver only to the agencies or for coinage uses. Is that correct?

Mr. ROBERTSON. That is correct. The Treasury could use it for coinage, or could let other Government agencies use it. Otherwise, as the Senator from Rhode Island pointed out last Tuesday, the Treasury would have to go out and buy silver, and would have to pay dollars for it, and they would come back as a demand on our diminishing gold stocks.

Mr. BIBLE. I am clear on that point.

This market is very volatile, unusual, and rather fluctuating. If, by chance, the market price of silver went up to $1.3929 an ounce, which is 10 cents an ounce higher, is it the Senator's position, under the bill as now written, that the Secretary of the Treasury could sell the 30 million ounces if he wanted to?

Mr. ROBERTSON. The Secretary of the Treasury has recommended the bill. Therefore, the fear that he would take a little temporary profit from a quick sale and deprive us of silver that we need to have behind our silver coinage is not well founded. We have been assured that the purpose of the bill is to keep our reserve stock of silver, and get the advantage of it, whereas now it is piled up and drawing no interest, because we are not on a silver basis, but, rather, on a modified gold basis. We would merely put the silver certificates on the same basis.

Mr. BIBLE. I am happy to have the assurance from my distinguished friend from Virginia. If I understand his position correctly, is it that the silver now in the Treasury, whether it is in back of silver certificates or whether it is free silver, will in the future be used only to redeem silver certificates for coinage and the other necessary governmental uses; is that correct?

Mr. ROBERTSON. That goes a little beyond the testimony. We did not go into that point. I told the Senator what the purpose was. I told the Senator that so long as we had silver certificates to be redeemed and we had the silver with which to redeem them, it was not logical to assume that the price would go up to $1.35. I believe the Senator is propounding a hypothesis to me that is not based on a realistic concept of what the price might be.

Mr. BIBLE. The price of silver has been fluctuating widely, from 90½ cents, as the Senator knows, to $1.28.

Mr. ROBERTSON. That is correct.

Mr. BIBLE. Under the original Silver Purchase Acts.

Mr. ROBERTSON. Yes.

Mr. BIBLE. What I am trying to determine is whether it is the intention of the Banking and Currency Committee, in reporting the bill, to hold the silver in reserve for two general purposes, coinage and necessary governmental uses.

Mr. ROBERTSON. I have a letter from the Secretary of the Treasury, from which I will read again:

> Such an amendment is unnecessary and would be meaningless in view of the obligation of the Treasury to redeem silver certificates in silver on demand at the monetary value of $1.29-plus per ounce.

I assume that the mining companies believe that if we put the amendment in the bill something may happen to shoot the price above that level.

Mr. BIBLE. So far as I know, that is not the intention, and I am one of the sponsors. I know that the intent of the amendment is to make it crystal clear beyond peradventure of doubt that the silver which the Treasury holds today will be used for only two purposes, namely, coinage and governmental use.

Mr. ROBERTSON. I see in the Chamber the assistant majority leader. This is an administration bill. I yield to him to answer that question.

Mr. HUMPHREY. The Senator is extending a great compliment to me. We always look to the Senator from Virginia as the oracle in matters related to currency and banking, and also with respect to gold reserves and silver policy. However, I believe that the letter which the Senator has brought to our attention is definitive. I believe it has been entered in the RECORD.

Mr. ROBERTSON. It has been entered in the RECORD. I will risk my reputation to this extent: I do not believe there will be any finagling at the Treasury over this silver issue if the amendment is not adopted.

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

Mr. HUMPHREY. It would be looked upon as a breach of faith on the part of the Treasury Department, in light of the explanations which have been given here, if any so-called finagling occurred. I cannot imagine the Secretary of the Treasury doing any such thing.

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

Mr. ROBERTSON. I yield to the Senator from Colorado, my colleague on the committee.

Mr. DOMINICK. I should like to propound a question to the Senator. Suppose the bill is passed and the Treasury Department exchanges $100 million worth of $1 silver certificates for Federal Reserve notes; so it would have $100 million worth of free silver in addition. Suppose that at that point the price of silver goes over $1.29. Under the terms in which the bill is now written, does not the Treasury Department have the power to sell the free silver on the public market at any price it wishes?

Mr. ROBERTSON. The answer is "Yes."

Mr. DOMINICK. So there are circumstances in which this free silver might be used for something other than coinage.

Mr. ROBERTSON. That is right in theory. But let me ask the Senator a question. How many would pay $1.40 for silver that they can get from the Treasury for $1.29 by turning in silver certificates? I fear that the Senator is fighting windmills.

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

Mr. ROBERTSON. I yield.

Mr. PASTORE. We must look at the other side of the coin. If we tie the hands of the Government with this kind of amendment, we actually peg by legislative fiat and constrict the supply of silver to the point where the market will run wild, unless we have this stabilizing force. When the market is calling for $1.29 an ounce, I hope no Secretary of the Treasury is going to sell the American public short and sell that silver for $1.20 an ounce. If the market knows that the Treasury has a certain number of ounces of silver tied up that it cannot dispose of except at a certain figure, what will that do to the market? It will make the market short in supply. It will skyrocket the price. We would stabilize the market for the benefit of the consumers of America.

That is the reason why I say the amendment should not be adopted, because psychologically it would hurt the silver market, and make the silver market speculative.

Mr. ROBERTSON. In that connection, I refer to what has happened to sugar. Today 500,000 more pounds of sugar are available than were available last year at this time. Nevertheless, the price of sugar has jumped up. It is because people are afraid that when the time for canning comes there will be a shortage of sugar. There is more sugar on hand now than ever before. There is no stabilizing influence. The canners and chain stores and other manufacturers are buying sugar and holding it against a possible shortage.

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

Mr. ROBERTSON. I yield.

Mr. GRUENING. Because the Senator has used the analogy of sugar, I ask, Who recommended the sugar bill? Whose bill was it?

Mr. ROBERTSON. I believe it was the Secretary of State.

Mr. GRUENING. It was an administration bill.

Mr. ROBERTSON. We asked him about it; and it was said that the sellers were asked why they did not deliver the sugar. He said that he sent a telegram, and he was told that under the law they could wait until December.

Mr. HUMPHREY. Before the vote, Mr. President, the distinguished Senator from Washington [Mr. MAGNUSON] is in New York today with the President. He had hoped to be here for the discussion of the pending amendment, but he has been unable to participate in the debate. He has made available to me a short statement on the Church amendment, and I ask unanimous consent that it may be printed in the RECORD at this point.

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

STATEMENT OF SENATOR MAGNUSON ON THE CHURCH AMENDMENT

There is no question that a new silver policy is urgently needed but it would seem that something is necessary beyond a temporary expedient. There is almost complete agreement that prompt repeal of the transactions tax is imperative so that trading in futures can assist in maintaining an orderly market. Beyond this point, however, there seems to be a wide difference of opinion.

Lack of foresight has brought on the current problem and it appears to me that now is the time to anticipate the threat to our coinage system. Although U.S. coinage needs are now being met from our monetary reserves, the tremendous increase in the minting of coins has several startling implications. According to Bureau of Mint reports, the amount of outstanding silver certificates was reduced by $122 million during the 14-month period from September 30, 1961, to November 30, 1962. In this same period subsidiary coinage in circulation was increased by $154 million and additional $41 million in silver dollars was moved out of the Treasury into the channels of trade. At least two mints have been stepped up to a 24-hour, 7-day operation.

Silver is being consumed at an astronomical rate in many end-use industries. Photography, of course, continues as the largest commercial consumer, accounting for approximately one-third of all industrial users. Silver is a most popular metal in our space program because the superior properties of this metal in thermal and electrical conductivity, malleability, reflectivity, and corrosion resistance make it most adaptable to the solution of problems in aerospace technology. Silver-cadmium and silver-zinc batteries is a new space use that is finding increasing application. Because these small units are unsurpassed in power output with relation to their weight they are in demand not only for space capsules and rockets but also for more conventional applications such as jet planes, submarines, and highly technical scientific instruments. With reference to the aerospace application it is interesting to note it involves either the complete dissipation of the metal or that its recovery for reuse is so expensive as to prohibit the attempt at salvage. Because of the new and increased use of silver, the gap between consumption and production, exclusive of coinage requirements, was in the range of 75 to 80 million ounces in 1962. We can only guess that the requirements of the future will be, but there is a strong indication that it will be vastly increased over present usage. These factors along with the burgeoning increase of coin-operated vending machines make it only too clear that we are quickly reaching the point where we will find ourselves in short supply of this precious metal. I support Senator CHURCH'S amendment as I believe that if we allow our Treasury reserves to become dissipated—and this is likely to occur in less than 10 years—the market will inevitably move up to threaten our subsidiary coinage.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Idaho [Mr. CHURCH] and other Senators. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEALL (when his name was called). On this vote I have a pair with the senior Senator from Washington [Mr. MAGNUSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. HUMPHREY (when his name was called). On this vote I have a pair with the majority leader, the senior Senator from Montana [Mr. MANSFIELD]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH],

the Senator from West Virginia [Mr. BYRD], the Senator from California [Mr. ENGLE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Montana [Mr. MANSFIELD], the Senator from Wyoming [Mr. MCGEE], the Senator from Montana [Mr. METCALF], the Senator from Oregon [Mr. MORSE], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

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

On this vote, the Senator from Alaska [Mr. BARTLETT] is paired with the Senator from Massachusetts [Mr. KENNEDY]. If present and voting, the Senator from Alaska would vote "yea," and the Senator from Massachusetts would vote "nay."

On this vote, the Senator from Wyoming [Mr. MCGEE] is paired with the Senator from Florida [Mr. SMATHERS]. If present and voting, the Senator from Wyoming would vote "yea," and the Senator from Florida would vote "nay."

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from Georgia [Mr. RUSSELL]. If present and voting, the Senator from Oregon would vote "yea," and the Senator from Georgia would vote "nay."

On this vote the Senator from Montana [Mr. METCALF] is paired with the Senator from Texas [Mr. YARBOROUGH]. If present and voting, the Senator from Montana would vote "yea," and the Senator from Texas would vote "nay."

Mr. KUCHEL. I announce that the Senators from Kansas [Mr. CARLSON and Mr. PEARSON], the Senator from Hawaii [Mr. FONG], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], and the Senator from New Mexico [Mr. MECHEM] are necessarily absent.

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

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator from New York [Mr. JAVITS], the Senator from Kentucky [Mr. MORTON], and the Senator from Kansas [Mr. PEARSON] would each vote "nay."

On this vote, the Senator from New Mexico [Mr. MECHEM] is paired with the Senator from Hawaii [Mr. FONG]. If present and voting, the Senator from New Mexico would vote "yea," and the Senator from Hawaii would vote "nay."

The result was announced—yeas 24, nays 52, as follows:

[No. 92 Leg.]

YEAS—24

Allott	Gore	Monroney
Bennett	Gruening	Moss
Bible	Hayden	Mundt
Burdick	Jackson	Neuberger
Cannon	Jordan, Idaho	Randolph
Church	Kefauver	Simpson
Dominick	McGovern	Tower
Edmondson	McNamara	Young, N. Dak.

NAYS—52

Aiken	Hartke	Pell
Anderson	Hickenlooper	Prouty
Boggs	Hill	Proxmire
Brewster	Holland	Ribicoff
Byrd, Va.	Hruska	Robertson
Case	Inouye	Saltonstall
Clark	Johnston	Scott
Cooper	Jordan, N.C.	Smith
Cotton	Keating	Sparkman
Curtis	Kuchel	Stennis
Dirksen	Long, La.	Symington
Dodd	McCarthy	Talmadge
Douglas	McClellan	Thurmond
Eastland	McIntyre	Williams, N.J.
Ellender	Miller	Williams, Del.
Ervin	Muskie	Young, Ohio
Fulbright	Nelson	
Hart	Pastore	

NOT VOTING—24

Bartlett	Humphrey	Mechem
Bayh	Javits	Metcalf
Beall	Kennedy	Morse
Byrd, W. Va.	Lausche	Morton
Carlson	Long, Mo.	Pearson
Engle	Magnuson	Russell
Fong	Mansfield	Smathers
Goldwater	McGee	Yarborough

So Mr. CHURCH's amendment was rejected.

Mr. ROBERTSON. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

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

The PRESIDING OFFICER (Mr. EDMONDSON in the chair). The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the distinguished acting majority leader about the program for the remainder of today and for tomorrow.

Mr. HUMPHREY. It is my understanding that there are two additional amendments to be offered to the pending bill. I hope the Senate will be able to act on them today and also vote today on the question of passage of the bill. Then, if the work of the Senate can be expedited, we hope to move along to the Foreign Service buildings bill. If that bill is passed tonight, Senators can have tomorrow off, and can return on Monday, when the appropriation bill for the Department of the Interior will be taken up.

REPEAL OF CERTAIN LEGISLATION RELATING TO PURCHASE OF SILVER

The Senate resumed the consideration of the bill (H.R. 5389) to repeal certain legislation relating to the purchase of silver, and for other purposes.

Mr. HUMPHREY. Mr. President, I desire to propound a unanimous-consent agreement in regard to the amendment of the Senator from Colorado [Mr. DOMINICK]; namely, that 30 minutes—15 minutes to each side—be allowed on the amendment, with the time to be controlled by the Senator from Colorado [Mr. DOMINICK] and the Senator from Virginia [Mr. ROBERTSON], respectively.

Let me ask whether the Senator from Alaska [Mr. GRUENING] will agree to a similar time limitation on his amendment?

Mr. GRUENING. I doubt whether that much time would be necessary; I think 5 minutes to a side would suffice.

Mr. HUMPHREY. Then, Mr. President, if it is agreeable to the Senator from Alaska to include in the proposed agreement a provision that a total of 10 minutes be allowed on his amendment, with 5 minutes to each side——

Mr. GRUENING. Yes.

Mr. HUMPHREY. I include that in my unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I understand that the Senator from Colorado [Mr. DOMINICK] wishes to have the yeas and nays ordered on the question of agreeing to his amendment. I so request.

The yeas and nays were ordered.

Mr. HUMPHREY. Mr. President, I also understand that there is a desire to have the yeas and nays ordered on the question of the passage of the bill; and I so request.

The yeas and nays were ordered.

Mr. HUMPHREY. Mr. President, in addition, the Senator from Alaska [Mr. GRUENING] wishes to have the yeas and nays ordered on the question of agreeing to his amendment. I so request.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. ALLOTT. May the yeas and nays be ordered on the question of agreeing to an amendment before it is pending?

The PRESIDING OFFICER. That may be done by unanimous consent.

Is there objection? The Chair hears none.

Is there a sufficient second to the request for the ordering of the yeas and nays on the question of agreeing to the amendment of the Senator from Alaska?

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I send my amendment to the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 7, after the word "be" it is proposed to strike out all down through the word "or" in line 8.

Mr. DOMINICK. Mr. President, this amendment is quite simple, insofar as what it provides is concerned. However, in its effect, the amendment is a little more far-reaching. The amendment provides that the Treasury Department may not use the free silver it gets for sale to other agencies.

I should like to review briefly why I believe this amendment is important: Throughout the hearings on the bill, both before the House committee and before the Senate committee, it was repeatedly stated by Secretary Dillon and by Chairman Martin that the sole and primary purpose of the bill, other than to repeal the Silver Purchase Act and the silver transfer tax, was to take the Government out of the silver business,

except as a consumer in the manufacture of its coin.

The hearings record shows this quite clearly. I refer, first, to page 147 of the record hearings, where it is pointed out that our coinage requirements in 1962 ran to about 75 million ounces of silver.

There has been testimony before the Committee on Banking and Currency in relation to the mint bill, to the effect that within the next decade our coinage requirements will greatly increase, beyond any arithmetic progression or regular progression that could be forecast on a graph at this point. It is anticipated that they may rise to as much as 17 or 18 times what they are now.

On page 15 of the hearing record Secretary Dillon said:

> Thus, it is vitally important that Congress authorize the issuance of $1 Federal Reserve notes so as to provide in an orderly way for handling of our future needs for coinage and $1 bills.

On page 16 Secretary Dillon said:

> If the $1 Federal Reserve note is not authorized, the Treasury will soon be forced into the untenable position of entering the market to buy silver for its coinage needs.

On page 27 of the hearing record Chairman Martin of the Federal Reserve System Board of Governors said:

> The Board believes that it is unnecessary to utilize silver "backing" for our currency, and that its use could appropriately be confined to coinage.

On page 29 Chairman Martin said:

> Mr. MARTIN. Well, I think under present conditions it is a help to the Treasury that we ought to conserve our silver for coinage.

On page 32 Admiral Ramse, testifying on behalf of the users, pointed out again that one of the main purposes is to provide a supply of silver for subsidiary coinage.

On page 161, table 5 shows the Treasury purchases and sales of silver. The table shows that, until 1962, the Treasury had been selling to other Government agencies an increasing amount of silver for industrial and commercial purposes. Silver is used in photographic work. It is being used in connection with submarines. It is being used in the defense agencies in a great number of ways. In 1961 alone more than 3 million ounces of silver was supplied by the Treasury Department to other Government agencies.

As now written, the bill would not reserve the silver supply of the free world, which we will get when those notes are exchanged for Federal Reserve notes, for coinage purposes, because, as the Senator from Idaho pointed out, the bill would give to the Treasury the right, first, to sell on the open market if the price should go over $1.29.

Second, the bill provides that silver may be sold to other departments and agencies of the Government.

Third, the bill provides that the silver certificates may be turned in for silver bullion, which would once again reduce the supply of the silver within the Treasury for coinage purposes.

If we are attempting to preserve the silver supplies for coinage purposes, we ought to write into the bill the necessary safeguards to be certain that we will attain that objective. With the price now in effect, defense agencies would be permitted to go into the open market and buy silver at less than it would cost them to get it from the Treasury. At present they must pay $1.29 for each ounce of silver which they get from the Treasury. They could go into the open market at the present moment and get it for $1.28. But they are not doing so. They are getting it from the Treasury.

The more the price increases, the more likely the Treasury will eventually have to go out, when its own supply is depleted, and buy silver in the open market, and probably from imported stock, thereby again increasing our own gold reserve and balance of trade problems.

So there would be a double impact under the bill. First, as the Senator from Idaho [Mr. CHURCH] said, no matter whether the exchange of Federal Reserve notes for the silver certificates is painlessly or painfully performed—in other words, whether it is done over a long period of time or a short period of time—an additional $450 million to $500 million of gold will be required to be transferred into a frozen position for currency support. We have that drain on our gold supply. If we do not preserve the silver which we have on hand for coinage purposes, we shall create another drain or potential drain on our gold supply.

So the proposal would not adversely hurt the departments or agencies, so far as I can see. It could be of assistance in providing the necessary silver for coinage, and it could do some good in our free gold supply.

Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. DOMINICK. I yield 2 minutes to my distinguished colleague.

Mr. ALLOTT. Mr. President, I rise to support the amendment of my distinguished colleague, as I supported the amendment of the distinguished Senator from Idaho. My colleague has stated the situation exactly. It is not a single-pronged problem that we approach, but it is a problem which also would affect our foreign reserves. The Senator's amendment would merely strike the language in the bill—

> Sold to other departments and agencies of the government or.

Such action would leave us in a very sound position, I believe.

It is my sincere hope that Senators would consider, on a really contemplative basis, what we would do today in acting on the bill. I am sure that those of us who support the amendments and who are opposed to the bill in its present form are absolutely convinced—and I am absolutely convinced—that the bill could affect the whole fiscal policy of the Government. It could affect the balance-of-payments question in relation to our gold reserves. For that reason I shall support the amendment. Without the amendment, I must vote against the bill.

I thank my distinguished colleague for yielding to me. He has contributed a great deal to the debate on the bill. If the amendment were agreed to, the bill would become far more palatable.

Mr. DOMINICK. I thank my distinguished colleague.

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

Mr. DOMINICK. I am happy to yield to the Senator from Alaska.

Mr. GRUENING. I am happy to support the amendment of the junior Senator from Colorado. The amendment would be a substantial improvement in the bill for the reasons he has set forth so lucidly.

Mr. DOMINICK. I thank the distinguished Senator from Alaska.

I wish to make one further point. The chairman of the committee, my distinguished friend from Virginia, should understand that the amendment would not create any new situation with the Government agencies. In 1962 alone, the defense agencies bought more than 5 million ounces of silver in the general market for submarine batteries alone.

The Treasury Department, by its own action, reduced its sales to Government agencies from 3 million ounces in 1961 to only 19,000 ounces of silver in 1962; so the Treasury Department, by its own actions, has been following the same course that I am recommending be provided in the bill. It does not seem to me that we should have any fear that this would hamper the defense agencies, in view of the transactions which already have occurred in the Treasury as to the administration of the program and what the defense agencies themselves have been doing.

That is the last point I wish to make. I reserve the remainder of my time.

Mr. ROBERTSON. Mr. President, I oppose the amendment of the junior Senator from Colorado. The committee's bill would take the Government out of the silver market. The Senator's amendment would keep the Government in the silver market in the case of purchases by other Government agencies.

I have available a table showing the sales by the Treasury Department to other Government agencies beginning with 1946. The amounts vary considerably. In 3 years there were no such sales. In many years the figures have been very small. In 1958, 1959 and 1960 it was close to 1.3 million ounces, in 1961, 3.7 million ounces and in 1962, 900,000 ounces. The Bureau of Ordnance of the Navy Department and the Bureau of Naval Weapons have taken most of the silver. I think no one would question the desirability of meeting the demands of the Bureau of Naval Weapons or the other Government agencies listed on the chart.

If these other Government agencies do not make use of the Treasury stock of silver, they will have to go on the market and buy their supplies commercially, an added demand of about a million ounces a year. Unless the silver industry increases its production substantially, the added Government demand could be met only from two sources. It might be imported from abroad, which would have a direct adverse effect on our balance of payments or it might, by driving up the

domestic market price of silver to a point above the monetary value, cause withdrawals by the public from the Treasury stock of silver. This would mean that the other Government agencies would in effect, be getting their supplies from the Treasury stock by this roundabout and expensive method.

I recognize that there is a possibility that the Treasury stock of silver may be used up faster, if other Government agencies can have access to it for their own purposes when the market is below $1.29—though, as I have indicated, if these other agencies buy on the market, it would probably send the price above $1.29 quite quickly. However, I do not think this possibility outweighs the undesirable effect of the amendment—keeping the Government in the silver market. I favor a free silver market—as free a market as we can possibly make it, with as little governmental influence in the market as possible. Accordingly, I oppose this amendment.

I ask unanimous consent to have printed in the RECORD the table to which I have referred, entitled "Sales of Silver to Other Government Agencies."

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

Sales of silver to other Government agencies

[In fine troy ounces]

Year	Agency	Act of July 31, 1946	At $1.29+	Total
1946	Miscellaneous	469.44		469.44
1947	U.S. Naval Air Station, Alameda, Calif.	796.75		796.75
1948	do	1,071.06		1,071.06
1949				
1950				
1951	Bureau of Ordnance, Navy Department	1,550,000.00		
	Miscellaneous	10.17		1,550,010.17
1952				
1953	Bureau of Standards	599.40		
	Miscellaneous	35.85		635.25
1954	Department of Army, Redstone Arsenal	17.12		
	Miscellaneous	1,727.41		1,744.53
1955	Naval Research Laboratory	290.40		
	Naval Gun Factory	6.93		
	Miscellaneous	778.05		1,075.38
1956	Department of Army, Frankford Arsenal	1,310.00		
	U.S. Atomic Energy Commission	6,061.32		
	U.S. Naval Air Station, Alameda, Calif.	1,987.80		
	Miscellaneous	1,231.63		10,590.75
1957	Department of Army, Frankford Arsenal	26,354.68		
	U.S. Naval Air Station, Alameda, Calif.	10,016.32		
	Department of Commerce, Bureau of Standards	47.00		
	Miscellaneous	747.82		37,165.82
1958	Bureau of Ordnance, Navy Department	1,314,603.51		
	U.S. Naval Air Station, Alameda, Calif.	5,998.98		
	Miscellaneous	998.42		1,321,600.91
1959	Bureau of Ordnance, Navy Department	1,292,936.01		
	U.S. Naval Air Station, Alameda, Calif.	12,424.57		
	Miscellaneous	6,212.04		1,311,572.62
1960	Bureau of Naval Weapons	1,256,789.97		
	Bureau of Standards	58.40		
	Miscellaneous	21,309.76		1,278,158.13
1961	Bureau of Naval Weapons	3,031,498.28	673,927.72	
	Miscellaneous	21,289.77		3,726,715.77
1962	U.S. Air Force	19,037.58		
	Bureau of Naval Weapons		870,464.59	
	Miscellaneous	318.57	11,168.19	900,988.93
1963—January	do		172.67	
February	do			
March	do		2,056.57	2,229.24
Total		8,587,035.01	1,557,789.74	10,144,824.75

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

Mr. ROBERTSON. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Am I correct in my understanding that if the amendment should be agreed to it would knock the "guts" out of the bill?

Mr. ROBERTSON. Absolutely. It would destroy the major purpose of the bill.

Mr. SALTONSTALL. As a member of the Committee on Armed Services and as a member of the Appropriations Subcommittee which deals with the Defense Department—as is the Senator from Virginia—I know that the departments use a lot of silver today in research and development programs.

Mr. ROBERTSON. That is correct.

Mr. SALTONSTALL. The whole purpose of this proposal is to use the 30 million ounces to take care of Government requirements.

Mr. ROBERTSON. The bill involves a two-pronged approach. First, we seek to take care of most of the Government requirements of silver for industrial uses, mostly defense uses. Second, we seek to take care of the anticipated demand for silver for coins.

Mr. SALTONSTALL. The Senator is correct.

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

Mr. ROBERTSON. I yield to the Senator from Colorado.

Mr. DOMINICK. The point I wished to make clear for the Senator from Massachusetts and the Senator from Virginia is that the Treasury Department by its own order and its own decision in 1962 cut back more than 3 million ounces of sales of its own silver to Government agencies. It decided this was what it should do, itself.

We are not seeking to take any action in opposition to what the Treasury Department wants to do, nor would we change the present situation, in which defense agencies are going out on the open market to buy silver.

Mr. ROBERTSON. The amendment was considered by the Committee on Banking and Currency and overwhelmingly defeated in the committee. I hope it will not be approved. The administration is very much opposed to the amendment.

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

Mr. ROBERTSON. I yield.

Mr. SALTONSTALL. I point out to my friend from Colorado that the operative word in the bill is "may," not "shall."

Mr. ROBERTSON. Mr. President, if the distinguished Senator from Colorado is willing to yield back his remaining time I am willing to yield back the remainder of my time.

Mr. DOMINICK. Mr. President, I yield back my remaining time.

Mr. ROBERTSON. Mr. President, I yield back my remaining time and ask for a vote.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. DOMINICK]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEALL (when his name was called). On this vote I have a pair with the distinguished Senator from Washington [Mr. MAGNUSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. HUMPHREY (when his name was called). On this vote I have a pair with the majority leader, the senior Senator from Montana [Mr. MANSFIELD]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from West Virginia [Mr. BYRD], the Senator from California [Mr. ENGLE], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Indiana [Mr. HARTKE], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Montana [Mr. MANSFIELD], the Senator from Wyoming [Mr. MCGEE], the Senator from Montana [Mr. METCALF], the Senator from Oregon [Mr. MORSE], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from West Virginia [Mr. BYRD], the Senator from California [Mr. ENGLE], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Indiana [Mr. HARTKE], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Ohio [Mr. LAUSCHE], the

Senator from Missouri [Mr. LONG], and the Senator from Massachusetts [Mr. KENNEDY] would each vote "nay."

On this vote, the Senator from Wyoming [Mr. MCGEE] is paired with the Senator from Georgia [Mr. RUSSELL]. If present and voting, the Senator from Wyoming would vote "yea," and the Senator from Georgia would vote "nay."

On this vote, the Senator from Montana [Mr. METCALF] is paired with the Senator from Florida [Mr. SMATHERS]. If present and voting, the Senator from Montana would vote "yea," and the Senator from Florida would vote "nay."

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from Texas [Mr. YARBOROUGH]. If present and voting, the Senator from Oregon would vote "yea," and the Senator from Texas would vote "nay."

Mr. KUCHEL. I announce that the Senators from Kansas [Mr. CARLSON and Mr. PEARSON], the Senator from Hawaii [Mr. FONG], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], and the Senator from New Mexico [Mr. MECHEM] are necessarily absent.

The Senator from Kentucky [Mr. MARTIN] is detained on official business.

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator from New York [Mr. JAVITS], the Senator from Kentucky [Mr. MORTON], and the Senator from Kansas [Mr. PEARSON] would each vote "nay."

On this vote, the Senator from New Mexico [Mr. MECHEM] is paired with the Senator from Hawaii [Mr. FONG]. If present and voting, the Senator from New Mexico would vote "yea," and the Senator from Hawaii would vote "nay."

The result was announced—yeas 19, nays 54, as follows:

[No. 93 Leg.]

YEAS—19

Allott	Edmondson	Moss
Bennett	Gruening	Mundt
Bible	Hayden	Simpson
Cannon	Hruska	Tower
Church	Jackson	Young, N.Dak.
Curtis	Jordan, Idaho	
Dominick	McGovern	

NAYS—54

Aiken	Hickenlooper	Pastore
Anderson	Hill	Pell
Boggs	Holland	Prouty
Brewster	Inouye	Proxmire
Burdick	Johnston	Randolph
Byrd, Va.	Jordan, N.C.	Ribicoff
Case	Keating	Robertson
Clark	Kuchel	Saltonstall
Cooper	Long, La.	Scott
Cotton	McCarthy	Smith
Dirksen	McClellan	Sparkman
Dodd	McIntyre	Stennis
Douglas	McNamara	Symington
Eastland	Miller	Talmadge
Ellender	Monroney	Thurmond
Ervin	Muskie	Williams, N.J.
Gore	Nelson	Williams, Del.
Hart	Neuberger	Young, Ohio

NOT VOTING—27

Bartlett	Hartke	McGee
Bayh	Humphrey	Mechem
Beall	Javits	Metcalf
Byrd, W. Va.	Kefauver	Morse
Carlson	Kennedy	Morton
Engle	Lausche	Pearson
Fong	Long, Mo.	Russell
Fulbright	Magnuson	Smathers
Goldwater	Mansfield	Yarborough

So Mr. DOMINICK's amendment was rejected.

Mr. ROBERTSON. I move to reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, the distinguished Senator from Alaska [Mr. GRUENING] has an amendment. He has suggested that the yeas and nays are not necessary on the amendment. Am I correct?

Mr. GRUENING. That is correct.

Mr. HUMPHREY. I ask unanimous consent that the order for the yeas and nays on the Gruening amendment be rescinded.

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

Mr. GRUENING. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On line 14, page 2, it is proposed to add the following sentence:

The Secretary of the Treasury shall, if and when the Nation's gold reserves drop below $15,000,000,000, immediately recommend to the Congress legislation to increase the domestic production of gold by incentive payments to United States gold miners with the objective of maintaining the Treasury's gold supply at not less than that level.

Mr. GRUENING. Mr. President, our gold reserves have steadily declined from $24 billion and some million in 1949 to something more than $15 billion. It has been clearly brought out in the debate this afternoon that the proposed legislation on silver, which is likely to pass the Senate, would cause an additional drain on our gold reserves, perhaps exceeding a half billion dollars, which would bring us perilously close to the $15 billion mark.

My amendment merely recognizes that in order to save our dwindling gold supply from further dwindling which neither the present administration nor the preceding administration has been able to do, or successfully plan for, whenever the point is reached when the supply drops to $15 billion the Secretary of the Treasury should recommend legislation to Congress to increase the production of gold by our domestic gold miners by incentive payments.

Congress would still have complete control of the situation. The amendment merely provides that the Secretary of the Treasury shall face the situation which neither this administration nor the previous administration faced. When the supply drops to $15 billion, it will certainly be time for action. Indeed the time for action was yesterday. By anticipating this further decline now, and warning the Treasury that some action such as this legislation is likely to be requested, the administration may be willing to do something about increasing our own gold supply, which is steadily diminishing. The amendment is very simple. It does not involve anything except a request to the Secretary of the Treausry, that when that time comes, he shall submit legislation to the Congress to enable it to act on this vital issue. I hope the chairman of the Committee on Banking and Currency will accept the amendment.

Mr. ROBERTSON. Mr. President, I regret that I cannot accept the amendment. It was not proposed either in the House or in the Senate committees, and there has been no testimony on it at all. It is entirely foreign to the purpose of the pending bill, which is to get the Government out of the silver business. The proposed amendment would get us into the gold business.

I agree that we are losing gold very fast. On May 15 the stock of gold was down to $15.8 billion, and it takes about $12 billion to back our currency. The bill would not make an immediate $500 million drain on the gold supply. The Federal Reserve Board has ample gold certificates and ample bonds to back the $1.8 billion of $1 and $2 bills. If the Senator will introduce his bill, and if it should be referred to the Committee on Banking and Currency, I assure my distinguished friend from Alaska that he will be given a hearing on it.

However, I am sure the House would not take this amendment. I do not believe we should go into the matter of subsidizing the production of gold without any hearings on such a proposal. Therefore, I cannot take the amendment. I hope it will be defeated.

Mr. GRUENING. I yield back the remainder of my time.

Mr. ROBERTSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alaska.

The amendment was rejected.

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

The bill was ordered to be read a third time, and was read the third time.

Mr. WILLIAMS of New Jersey. Mr. President, I favor the passage of H.R. 5889. It has been a long time since the Silver Purchase Act was passed to support the price of newly mined domestic silver by taking nearly all of it off the market at an artificially high price. Within the last 2 years, the price of silver has risen 40 percent, as a result of market forces. With a domestic production insufficient to meet the needs of manufacturing and other uses in this country, there is no further need for Government assistance.

This bill would stabilize the market price of silver near present levels without active Government intervention in the market. The present market price is one which is favorable for producers. At the same time, industrial users would be benefited by the assurance of a relatively stable price level.

The fact is that world consumption of silver for industrial uses and coinage has grown to the point where it has far outstripped world production. Modern technology has changed the function of silver from that of a monetary metal to that of an industrial metal. Traditionally, we have thought of silver primarily as a basic material for the manufacture of jewelry, flatware, and hollowware.

But research and development programs have created new industrial and military applications for silver.

These new uses are sure to increase in number and variety because of the inherent properties of silver: It is superior to all other metals for electrical and thermal conductivity as well as for optical reflectivity. It is so ductile that it can be drawn in wire form to a diameter of eight one-thousandths of an inch, and it is so malleable that it can be worked into a wide variety of mill forms.

Moreover, silver nitrate is light-sensitive, and the principal use for silver continues to be in the form of nitrate for the photographic industry. This market now accounts for an estimated 25 percent of industrial consumption in this country.

Another major use for silver, and one that continues to expand, is as a brazing alloy for the bonding of metals. These alloys resist corrosion, shock, vibration and the effects of elevated temperatures, and are used in the production of consumer hard goods, tungsten carbide tool tips, food handling equipment, jet engines, electronic subassemblies, and in the fabrication of assemblies for rockets and missiles.

The catalytic properties of silver are also the subject of increasing scientific and military use. Silver catalyst in the form of a screen decomposes hydrogen peroxide, and the resulting steam and oxygen combination provides that thrust that powers auxiliary control systems for manipulating space vehicles.

Mr. President, these few examples will serve to show that, while silver is still essential in the manufacture of beautiful ornaments and luxurious housewares, it has assumed a much more important place as a necessary component in industrial production and defense technology. Once the symbol of weddings and anniversaries, silver now plays a vital role in rocket launching and space flight.

I think that the uncertainty of the market in so important a commodity presents a disturbing situation, which can easily be remedied by the passage of H.R. 5389. I hope that Senators will recognize the great changes which have taken place in the silver industry and will support this measure to remove unnecessary Government intervention.

Mr. HUMPHREY. Mr. President, I understand that the yeas and nays have been ordered on the passage of the bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY (when his name was called). On this vote I have a pair with the junior Senator from Montana [Mr. METCALF]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from West Virginia [Mr. BYRD], the Senator from California [Mr. ENGLE], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Wyoming [Mr. MCGEE], the Senator from Montana [Mr. METCALF], the Senator from Oregon [Mr. MORSE], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from West Virginia [Mr. BYRD], the Senator from California [Mr. ENGLE], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mr. MORSE], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Texas [Mr. YARBOROUGH], the Senator from Indiana [Mr. BAYH] would each vote "yea."

On this vote, the Senator from Wyoming [Mr. MCGEE] is paired with the Senator from Massachusetts [Mr. KENNEDY].

If present and voting, the Senator from Wyoming would vote "nay," and the Senator from Massachusetts would vote "yea."

Mr. KUCHEL. I announce that the Senators from Kansas [Mr. CARLSON and Mr. PEARSON], the Senator from Hawaii [Mr. FONG], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], and the Senator from New Mexico [Mr. MECHEM] are necessarily absent.

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator from New York [Mr. JAVITS], and the Senator from Kansas [Mr. PEARSON] would each vote "yea."

On this vote, the Senator from Hawaii [Mr. FONG] is paired with the Senator from New Mexico [Mr. MECHEM]. If present and voting, the Senator from Hawaii would vote "yea" and the Senator from New Mexico would vote "nay."

The result was announced—yeas 68, nays 10, as follows:

[No. 94 Leg.]

YEAS—68

Aiken	Hartke	Neuberger
Anderson	Hickenlooper	Pastore
Beall	Hill	Pell
Bennett	Holland	Prouty
Boggs	Hruska	Proxmire
Brewster	Inouye	Randolph
Burdick	Johnston	Robertson
Byrd, Va.	Jordan, N.C.	Ribicoff
Case	Keating	Saltonstall
Clark	Kefauver	Scott
Cooper	Kuchel	Simpson
Cotton	Long, La.	Smith
Curtis	McCarthy	Sparkman
Dirksen	McClellan	Stennis
Dodd	McGovern	Symington
Douglas	McIntyre	Talmadge
Eastland	McNamara	Thurmond
Edmondson	Miller	Tower
Ellender	Monroney	Williams, N.J.
Ervin	Morton	Williams, Del.
Gore	Mundt	Young, N. Dak.
Gruening	Muskie	Young, Ohio
Hart	Nelson	

NAYS—10

Allott	Dominick	Mansfield
Bible	Hayden	Moss
Cannon	Jackson	
Church	Jordan, Idaho	

NOT VOTING—22

Bartlett	Humphrey	Metcalf
Bayh	Javits	Morse
Byrd, W. Va.	Kennedy	Pearson
Carlson	Lausche	Russell
Engle	Long, Mo.	Smathers
Fong	Magnuson	Yarborough
Fulbright	McGee	
Goldwater	Mechem	

So the bill (H.R. 5389) was passed.

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

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

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the speaker had affixed his signature to the enrolled bill (S. 386) to consolidate Vicksburg National Military Park and to provide for certain adjustments necessitated by the installation of a park tour road, and for other purposes, and it was signed by the President pro tempore.

STUDY OF STRATEGIC AND CRITICAL STOCKPILING—EXTENSION OF TIME FOR FILING COMMITTEE REPORT

Mr. SYMINGTON. Mr. President, from the Committee on Armed Services, I report favorably without amendment, Senate Resolution 132, and ask for its immediate consideration.

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

There being no objection, the Senate proceeded to consider the resolution (S. Res. 132).

Mr. SYMINGTON. Mr. President, Senate Resolution 79 of the 88th Congress authorized expenditures of $10,000 by the Subcommittee on the National Stockpile and Naval Petroleum Reserves during the period March 1 to May 1, 1963.

The subcommittee is still engaged in the preparation of its report. We expect that this work will be completed by May 31.

Senate Resolution 132 would extend the terminal date in Senate Resolution 79 from May 1, 1963, to May 31, 1963. This action would permit the subcommittee to continue the salaries of two employees involved in the preparation of the report. No increase in the expenditure authorization is involved; only the terminal date of the expenditure resolution would be extended.

Mr. President, this resolution ordinarily would be referred to the Committee on Rules and Administration at this time. Because Senate agreement to the resolution is necessary to permit the two employees of the subcommittee to receive their salaries for the first half of

this month, I have secured the concurrence of the chairman of the Committee on Rules and Administration in the immediate consideration by the Senate of this resolution without reference to that committee, and also the Committee on Armed Services, whose chairman has recommended its consideration.

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

The resolution (S. Res. 132) was agreed to as follows:

Resolved, That S. Res. 79, agreed to March 14, 1963, is amended by striking out "May 1, 1963" and inserting in lieu thereof "May 31, 1963."

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, earlier this afternoon I had a colloquy with the distinguished acting majority leader [Mr. HUMPHREY] in regard to the schedule for tomorrow and Monday. There has now been some modification of the schedule, and I believe it would be well if he will inform the Senate of the change.

Mr. HUMPHREY. Mr. President, it had been understood that next Monday the Senate would proceed to consideration of the Interior Department appropriation bill. However, because of some developments relative to that bill and because certain Senators have a particular interest in it, we shall change our plan of activity for Monday. The Senate will have before it then Calendar No. 161, Senate bill 1576, a very important bill which provides assistance in combating mental retardation. It is the so-called mental health bill.

If that bill is disposed of on Monday—and I hope that will be possible—it is hoped that the Senate will convene on Tuesday at 10 a.m. and proceed to consider the Department of Interior appropriation bill and, following that bill, the debt-limit bill.

That program has been cleared with the chairman of the Appropriations Committee, with the chairman of the Committee on Labor and Public Welfare, and with the minority leader.

Mr. DIRKSEN. Mr. President, I should like to ask another question. I understand it is the desire of the acting majority leader to have the Senate conclude action today on the so-called Foreign Service buildings bill.

Mr. HUMPHREY. That is correct.

Mr. DIRKSEN. And to have the Senate then go over until Friday.

Mr. HUMPHREY. No, until Monday.

Mr. DIRKSEN. Until Monday?

Mr. HUMPHREY. Yes, until Monday.

Mr. President, if the Senate is able to take final action tonight on the Foreign Service buildings bill—and I hope the Senate will be able to do so—it will have Friday off, and return at noon on Monday—according to the schedule as outlined. On Monday, there will be a morning hour, followed by consideration of the mental health bill.

I solicit the cooperation of Senators to enable the Senate to proceed expeditiously with consideration of the Foreign Service buildings bill.

AMENDMENT OF FOREIGN SERVICE BUILDINGS ACT, 1926

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 159, House bill 5207.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 5207) to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes, which had been reported from the Committee on Foreign Relations with an amendment, on page 5, after line 2, to insert a new section, as follows:

SEC. 3. The Act entitled "An Act to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73,000,000 for that purpose", approved August 30, 1962 (Public Law 87-616), is hereby amended to read as follows:

"That (a) there is hereby authorized to be paid by the Government of the United States to the Government of the Republic of the Philippines the unpaid balance of awards for war damage compensation heretofore made by the Philippine War Damage Commission under the terms of title I of the Philippine Rehabilitation Act of 1946 (60 Stat. 128), not to exceed a total of $73,000,000: *Provided*, That such payment shall not be made until the Secretary of State shall have received assurances satisfactory to him from the Government of the Republic of the Philippines that such sum will be received by the Government of the Republic of the Philippines in full satisfaction and final settlement of any and all claims arising out of awards for war damage compensation made by the Philippine War Damage Commission and that the Government of the Republic of the Philippines shall insure that no part of such sum shall be directly or indirectly paid to any former Commissioner or employee of the Philippine War Damage Commission as compensation for services rendered as attorney or agent in connection with any such claim.

"(b) All documents currently held by the Foreign Claims Settlement Commission and relating to unpaid claims arising out of war damages in the Philippines, except for internal documents of any agency of the United States, shall be transferred to the Government of the Republic of the Philippines by the Foreign Claims Settlement Commission."

Mr. HUMPHREY. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. FULBRIGHT. Mr. President, H.R. 5207 is designed to accomplish two very important purposes. The first of these is to continue the Foreign Service Buildings program by authorizing new appropriations. The second is to amend the act of August 30, 1962, which authorized the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946. I shall discuss both these purposes in turn.

There is no need really to say much about the amendment to the Foreign Service Buildings Act of 1926 because the Senate on October 3, last year, passed a bill containing these identical provisions except for the sums authorized to be appropriated which have been revised downward by the House of Representatives. Last year's bill carried funds not to exceed $53,899,000 for a 2-year building and maintenance program. The bill now being considered authorizes $49,824,000 for the same period and purposes. The Senate will recall that final enactment was not possible last year because a nongermane amendment adopted by the Senate prevented the bill from being sent to conference in the House.

The sums provided for in this bill are broken down between acquisition and maintenance. For acquisition, either through purchase or building, $26,324,000 is authorized, and this figure is even further broken down by area and activity. For maintenance, the bill provides $23,500,000 for the same 2-year period. No transfers are authorized between the various areas and functions. Thus, the program will proceed under far greater restrictions than it has in the past, when it operated with no-year funds and no area limitations.

I call the Senate's attention to one provision in this portion of the bill which received the wholehearted endorsement of the committee. It is the language on page 2, beginning with line 3, which states:

To the maximum extent feasible, expenditures under this act shall be made out of foreign currencies owned by or owed to the United States.

This has been done in the past, and the language merely assures that it will be continued in the future.

Of the $251,625,000 made available for this program since 1926, 86 percent was used to purchase these foreign currencies. The Department of State estimated that of the funds authorized in this bill, 70 percent will be used in the same manner. The committee fully approves this means of utilizing U.S.-owned foreign currencies, especially in those countries where these currencies are not convertible.

I would like to say just one final word about the urgency for enactment of these amendments to the Foreign Service Buildings Act. The program here presented was first submitted to Congress over 2 years ago, when the buildings program had nearly exhausted its authorized appropriations. The situation, of course, is much more critical now and is further complicated by the need to open many new posts in Africa where adequate housing is both difficult to obtain and expensive to rent. Parenthetically, the State Department estimates that through enactment of this bill, the U.S. Government will be able to save $1,316,000 in rentals.

The buildings program has come to a virtual standstill for lack of funds, and the Foreign Relations Committee feels it vitally necessary to get it moving again. On behalf of the committee, I urge prompt approval of this portion of H.R. 5207.

As to the second item of the committee amendment with respect to the Philippine war damage claims, there is not much new that I can add. The Senate discussed that question quite thoroughly

in connection with the supplemental appropriation bill, on two occasions. I think that the committee's proposal, which had been previously adopted by the Senate, is the best way to solve the problem.

The committee reinserted the same provision in the pending bill It would meet at least some of the objections of the House, as a procedural matter. Objection was raised to its being a rider on an appropriation bill. This bill in effect is an authorization, though the amendment is not directly germane to the principles involved.

This problem was discussed with the Apropriations Committee. They had no objection as it was stated. The chairman of the Subcommittee of the House Committee on Foreign Affairs, Representative HAYS of Ohio, suggested this procedure to me as being a proper way to get the matter before the House under circumstances which would allow the House to make a clear-cut decision.

So I recommend to the Senate that it again adopt the amendment, to this bill, and thereby submit it to conference. Then it will be acted upon by the House.

I ask unanimous consent to have printed in the RECORD at this point an article written by Mr. Laurence Stern, published in the Washington Post of May 21, 1963, relating to this matter. Mr. Stern has paid special attention to this whole problem, and I think he has written some of the best informed and most thoughtful articles on the subject.

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

MANILA SUGAR FIRM TIED TO POLITICAL GIFTS

(By Laurence Stern)

A Philippine sugar executive linked by Washington lobbyist John A. O'Donnell to an $18,000 campaign fund for friendly Congressmen is president of a Manila firm that stands to get $621,564 in war damage claims.

The sugar official is Gerald Wilkinson, president of the Hawaiian-Philippine Co., which will collect the new claim under the 1962 Philippine War Damage Act that O'Donnell helped lobby through Congress.

In testimony before the Senate Foreign Relations Committee last March, O'Donnell said he suggested to Wilkinson in 1960 that "we give some of our friends some help—and he thought it was a good idea."

O'Donnell identified Wilkinson as first vice president of the Philippine Sugar Association, a group for which O'Donnell is registered as a lobbyist.

However, Wilkinson's association with the Hawaiian-Philippine Co. was not disclosed to the Foreign Relations Committee.

The firm also is one of 136 individuals and corporations to be represented by O'Donnell and his Washington associate, Ernest Schein, for claims under the 1962 act. Attorneys' fees under the act are set at 5 percent of the claim, or about $31,000 in the case of Hawaiian-Philippine Co.

The list of claimants to be represented by O'Donnell and Schein was furnished to the Foreign Relations Committee by the Foreign Claims Settlement Commission, which processes the claims payments.

O'Donnell testified he was "flabbergasted" when $18,000 was sent to him from the Philippines for congressional contributions since he had suggested a much smaller sum to Wilkinson.

Hawaiian-Philippine is one of a group of big beneficiaries who together will collect nearly half the $73 million Congress appropriated under the new war damage act although they comprise less than one percent of the total number of recipients.

Another big claimant is Benguet Consolidated, Inc., an American-controlled firm which will collect $1,124,000 under the new act, according to Treasury Department records.

Standard & Poor's corporate directory reports that Benguet has collected $5.8 million in past war damage claims and expects to receive, along with a subsidiary, $2,480,000 under the 1962 act.

Critics of the 1962 War Damage Act argue that the money should be paid directly to the Philippine Government, rather than to individuals and corporations. Such an approach, they argue, would be more in keeping with congressional intent in the original 1964 relief measure to aid the Philippine economy.

It also came to light yesterday that the former chairman of the Philippine-American War Damage Commission, Frank Waring, testified in 1960 that the claims agency had never made any public commitment to the Philippines for the additional $73 million in damage payments voted by Congress last year.

He gave his testimony to the House Foreign Affairs Far East Subcommittee headed by Representative CLEMENT J. ZABLOCKI, Democrat, of Wisconsin, on March 17, 1960. On the following day O'Donnell and Schein, who were both associated with the war claims body, testified that the United States had committed itself to the payment.

The following year, when ZABLOCKI ordered the 1960 testimony reprinted in the transcript of a 1961 hearing on his new claims bill, Waring's testimony was omitted. Also dropped from the 1961 transcript was the previous year's testimony from State Department witnesses who opposed ZABLOCKI's bill making the payments to individuals rather than to the Philippine Government.

ZABLOCKI said yesterday he could not explain the missing testimony but would check with the Foreign Relations Committee staff to find out why it was dropped.

Senate Foreign Relations Committee Chairman J. WILLIAM FULBRIGHT, Democrat, of Arkansas, disclosed last month that ZABLOCKI had received a campaign contribution from O'Donnell of $2,000 and that the lobbyist had contributed to 24 other U.S. political campaigns out of the $18,000 Philippine sugar fund.

ZABLOCKI said the contribution arrived too late for his 1960 campaign and that he contributed it to the Democratic Party at O'Donnell's suggestion.

FULBRIGHT earlier disclosed that O'Donnell, Schein and a Philippine member of the War Damage Commission, Francisco A. Delgado, collected more than $1 million in attorney's fees for Philippine claims work.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOUGLAS. Has any motion been made to accept the committee amendment?

The PRESIDING OFFICER. The question before the Senate is on agreeing to the committee amendment.

Mr. LONG of Louisiana and Mr. DOUGLAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG of Louisiana. Mr. President, for myself and the Senator from Illinois [Mr. DOUGLAS], I offer amendment 95 as an amendment to the committee amendment. I believe it would be a substitute for the second section of the committee amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 5, in the committee amendment, in lieu of the matter beginning on line 3 and ending on line 10, page 6, it is proposed to insert the following:

SEC. 3. The Act entitled "An Act to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 20, 1946, and to authorize the appropriation of $73,000,000 for that purpose," approved August 30, 1962 (Public Law 87–616), is hereby repealed.

Mr. LONG of Louisiana. Mr. President, I wish to explain briefly the purpose of the amendment. Then I shall yield before I go further.

It is the contention of the Senator from Louisiana that there was never any basis whatever for this Government paying the $73 million that it is proposed be paid to the Philippine Government. The whole thing was the result of improper lobbying activities which have proved to be both immoral and corrupt. Such activities border on international blackmail.

The only argument that can be made to pay the Philippine Government the $73 million is that corrupt lobbyists undertook to give the impression that the obligation was owed to certain individual claimants among the people of the Philippines. Having done that, and having led the people to believe that they were going to get the money, it is suggested that this country demonstrate itself as still being the generous old Uncle Sam; that we have not become tightfisted with our money; and that we will give the Philippine Government $73 million because we passed a corrupt and improper act and gave the impression that the claimants were going to get the money.

It is my argument that, while the Senator from Arkansas, our distinguished chairman, has made a very compelling argument that we should not pay this $73 million in so-called claims, and while his amendment would prevent payment to the claimants, but give the money to the Philippine Government, there is no case made to show why the money should be given to the Philippine Government.

The history of this legislation is that the late President Roosevelt made a statement during the last war that this Nation was going to make the Philippines whole, down to the last carabao—which is a water buffalo. So, when the war was over, in order to be helpful to the nation, and because there was not much money in circulation and things were stagnant, this Nation undertook to ascertain how much damage had been done. Claims were accepted more or less willy-nilly. If a person had had a boat sunk, we would buy him a new boat. If his automobile had been damaged, we would buy him a new automobile.

The man who was Chairman of the Commission was Mr. Waring. Mr. O'Donnell was a member of the Commission, and Mr. Delgado was the Philippine member of the Commission.

These two men succeeded in getting rid of $400 million. Then these men proceeded to organize themselves and engage in lobbying activities undertaking to sell the people in the Philippines the idea that more money should be paid. Those who had so-called small claims, up to $500—which amount of money bought much more in the Philippines than it could buy here—would be compensated for that amount, even though the damage had not been done by this country, but by the Japanese. It was undertaken to make a settlement of about 50 cents on the dollar for the larger claims.

The House of Representatives refused to pass any more claims legislation. The House looked into the question. Some money had been used to rehabilitate a race track that had been burned down, or to rebuild a brewery, and that sort of thing. The House said it would not have any of this corruption.

Someone contrived for the President of the Philippines to announce a planned trip to this country, only to cancel it, to suggest that that country was insulted and that the people were outraged because the claims were not being paid.

It was ascertained that only a few big concerns might get this money, and by putting blackmail pressure on us, we were led to believe that we had a moral obligation to pay the claims, which we did not.

The lobbyists recognized, in their correspondence, that nobody in the Philippines thought this country owed them anything, or had any obligation to them. There was no interest in it, and nobody thought we should pay them. But these gentlemen obtained contracts, got more than $1 million, made campaign contributions to good, honorable persons who did not know what they were trying to achieve, and eventually, with the international pressure they brought to bear, were able to put the bill through.

How should we go about correcting such a horrible mistake? The best thing is to strike the whole thing off the record. Then no one will get money through crooked means. But it is now proposed to give $73 million; and it is said that we do not want Mr. O'Donnell or Mr. Delgado to get it. How do we know the government over there will not give it to them? I am told that, perhaps Mr. Delgado and Mr. O'Donnell could have gotten their fists more effectively into that till through dealing with the Philippine Government than through our paying the claimants directly.

That being the case, my proposal would be, in the first place, that we repeal the whole sorry act. No obligation exists.

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

Mr. LONG of Louisiana. I yield.

Mr. CLARK. I note, on the first page of the report of the Committee on Foreign Relations, on which the Senator serves, the following statement:

> The amendment approved by the committee relating to the unpaid balance of awards made by the Philippine War Damage Commission is for the purpose of making payments of that balance to the Government of the Republic of the Philippines.

Did the Philippine War Damage Commission hold hearings at which testimony from claimants in support of these awards was adduced?

Mr. LONG of Louisiana. There have been determinations that claims should be paid to various and sundry individuals who suffered various injuries during the war between the United States and Japan. The committee amendment does not seek to pay anything to these so-called claimants. Please understand that these persons have no right to claim anything against this country, because it was not our fault their property was damaged; that responsibility rests with the Japanese.

Mr. CLARK. Will the Senator yield further?

Mr. LONG of Louisiana. I yield.

Mr. CLARK. Is it not a fact that the Philippine War Damage Commission, after hearing testimony, determined that these claims were just? Does the Senator cast doubt on the validity of that determination?

Mr. LONG of Louisiana. Let me try to answer the question with a little more language than merely a categorical "yes" or "no."

Soon after the war, this Government undertook to pay the so-called claimants and to determine the amounts.

Mr. CLARK. Through a Commission.

Mr. LONG of Louisiana. Then we sent the Bell Commission over there to study the situation in the Philippines. That Commission said we should make no more payments to individual claimants; that if we wanted to do something to help the Philippines, we ought to do it in the form of direct economic aid to that Government.

Subsequently, we extended more than $1 billion in aid. We are still sending aid over there. They are drawing $80 million in pensions under the Veterans' Administration for widows and other beneficiaries. The Philippines are still included under the foreign aid bill, as the Senator knows. But the so-called claims bill was contrary to our national policy.

The record shows that no bill of this sort would have been passed had it not been for the activities of Mr. Delgado and Mr. O'Donnell, who saw in this situation a bonanza, an opportunity to benefit certain individuals and benefit themselves in a handsome way.

Mr. CLARK. I wish the Senator from Louisiana would advise me whether, nevertheless, there was an open and public hearing before a Philippine War Damage Commission duly authorized to take the testimony which determined that the claims were just?

My query to the Senator from Louisiana is, first, Was that the fact; and if so, why should we not now honor the determination of the Philippines War Damage Commission? Second, does he think the determination was tainted with fraudulent or any other type of testimony?

Mr. FULBRIGHT. Mr. President, will the Senator yield to me to answer that question?

Mr. LONG of Louisiana. I yield to the distinguished chairman of the committee.

Mr. FULBRIGHT. I believe that one answer is that the House committee in which the bill originated expressly said, in language which is in the report, that this is not really a claims bill, and that it was not intended as a claims bill. However, it was felt that the economy of the Philippines was so badly damaged—the Philippines had been given their independence on the 4th of July, 1946—that they wished to rehabilitate the economy. On that point the exchange before the committee showed that $400 million was what they were willing to pay, and that no more than 75 percent should be paid. I believe the testimony is quite clear, from the exchange, that that was considered to be all. No obligation was ever undertaken to pay individual claims up to 75 percent. That is where O'Donnell and the others were in error, contrary to the clear intent of the House of Representatives when it passed the bill.

Mr. CLARK. Mr. President, will the Senator from Louisiana yield so that I may ask the chairman of the committee a question?

Mr. LONG of Louisiana. I yield.

Mr. CLARK. What bothers me in determining whether I should support the amendment of the Senator from Louisiana or not is the doubt in my mind as to whether the money is justly due to individual claimants. I can understand the reasons of the Senator from Arkansas for wanting to pay this money to the Philippine Government rather than to individual claimants. Behind that there is the question in my mind as to whether these individual claimants have established that, in equity and justice, they are entitled to the money.

Mr. FULBRIGHT. If the Senator is asking my opinion, I do not believe there is any obligation to the individual claimants so far as an obligation goes.

Mr. CLARK. A moral obligation.

Mr. FULBRIGHT. Other than the fact that subsequent events have taken place, and the previous administration, as well as this one, have more or less publicly promised to make this payment. I feel very much torn with respect to this question. There is much to be said for the argument of the Senator from Louisiana on the merits. The fact that the Government made a mistake, in my judgment, and that the Executive made a commitment, leaving the impression that we were going to make the payment, puts us in a very difficult position. I am sympathetic with the Senator's argument. Personally, I have thought that, in view of the commitments made by our Executive, I would have to go along with the payments.

There are other factors that fortify that belief. We have acknowledged a kind of general feeling of obligation of a moral nature to help the Philippines. We help them in the aid program. Certainly that is disconnected from any kind of obligation. That is a part of this picture. I find it very difficult to dispute what the Senator from Louisiana says as on the merits.

Mr. CLARK. Do I correctly understand that the Committee on Foreign Relations has never taken any testimony to determine the validity of the claims

on the basis of which payment of this money is proposed to be authorized; nor is there any evidence that these claimants have established a valid claim which might be available to the Senate in determining whether to go along with the Senator from Louisiana?

Mr. FULBRIGHT. The Commission was established under the 1946 act, with three members: Delgado, O'Donnell, and Waring. Waring, in his testimony before the committee, testified that there was no commitment on the part of this Government to pay the claimants anything. That is about what he testified before the House committee. I have before me his testimony, which through some inadvertence was left out of the subsequent reprint of the testimony. Waring had no part in the lobbying activities. He is a professional career man. After the Commission dissolved, he went back to his business, and had nothing further to do with it. At page 14 of the testimony Mr. Waring testified:

Mr. WARING. I think the wording of the act itself leaves some doubt as to that. The act did say "up to a maximum of 75 percent." But it did say "maximum," and it did provide for the pro rata distribution of the funds authorized.

I think the feeling, certainly my feeling, and I believe that of the other members of the Commission and the staff, was that our Philippine friends hoped for payment up to the 75 percent and perhaps even anticipated it.

I think it fair to say that in our public utterances there was no action on our part that would have enforced such hopes.

Mr. JUDD. There were no commitments made?

Mr. WARING. None to my knowledge.

Waring was the Chairman of the Commission. No commitments were made. In the processing of these claims, of which there were a great many, we now find certain instances in which some of the claimants are apparently claiming 100 percent of their original claims.

I also point out that on inquiry from Mr. Maguire, the chief counsel, there are a number of claims which cannot be located; that is, the original files have either been misplaced or lost. There were vast numbers of them. It would be extremely difficult to make any orderly distribution even if the law stands.

Mr. CLARK. Is there any indication as to what the general nature of the claims was? Were they on behalf of individuals or corporations?

Mr. FULBRIGHT. The Senator from Louisiana has already stated that less than 1 percent of all the claims are allotted approximately 80 percent of all the money involved. One of the largest claims is that of Mr. Wilkinson, who, testimony before our committee indicated, was the man who supplied the money for Mr. O'Donnell. He is the president of the Hawaiian-Philippine Co., which has a claim of more than $600,000. There are some very large claims.

Mr. LONG of Louisiana. I believe the distinguished chairman of the committee has very fairly and logically pointed out the difference between the position for which he contends and the position for which I contend. If I were to state the situation in my own words, it would be about to this effect:

Franklin D. Roosevelt made the statement during the war—I do not know precisely when or where he made it—"We will make the Philippines whole right down to the last carabao."

We gave them $400 million. Then we were told it would be better to give it to the Government than to the individuals, and we proceeded to go ahead and give them about a billion, seven hundred million dollars. That is not including payments under the Sugar Act. If we assessed so-called claims based on the damage that the Japanese did to them, and look at the Philippine economy, we probably made them whole twice. In addition we are aiding the Philippines under the foreign aid program.

The argument that we should give the Philippines $73 million has to do with the fact that Messrs. O'Donnell and Delgado, with their immoral activities, persuaded Congress to pass a bill that never should have been passed. Many Members who have voted for it have said that if they had known what was behind it, and what they were voting for when they voted for the bill, they would not have voted for it.

The chairman of the committee correctly seeks to keep Messrs. O'Donnell and Delgado from receiving a reward. I say that the best way to keep them from getting a reward is to repeal the whole corrupt act and have nothing more to do with it. It is argued that, inasmuch as some people were led to believe that they would get something, we should not disappoint them and deny them this money. Certain people have engaged in improper activities, and the testimony shows, as the chairman knows—and there is actual correspondence in the record to prove this—that Delgado wrote O'Donnell and said—

You have got to do something about it; somebody must get on the radio to stir things up.

They proceeded to buy some radio time. They got on the radio and stirred things up. They stirred things up by saying that Uncle Sam ought to pay more money. The chairman brought this all out very fully in our hearings.

Then a trip by the President of the Philippines to the United States was scheduled merely so that it could be canceled, to point up the Philippine contention that we owed them a big obligation.

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

Mr. LONG of Louisiana. I yield.

Mr. AIKEN. I agree with the Senator from Louisiana that the bill which we passed last year authorizing an appropriation of $73 million to remunerate the supposed losers as the result of the war in the Philippines should not have been passed. The fact remains that a couple of good operators hoodwinked both the House and the Senate, along with such allies as they could pick up here and there. We were "taken." Both Houses of Congress were "taken" by a couple of smooth operators.

We have felt very bad about it, thinking of the humiliation in our finding that they "took us," as they did. However, we passed the bill which authorized $73 million to reimburse the war-damaged people of the Philippines. I understand that fact has been publicized all over the Philippines.

It is true that those who were so successful in hoodwinking both Houses of Congress expected to make very substantial profits for themselves out of the job. Nevertheless, it is now suggested that we appropriate $73 million to the Philippine Government. It is presumed that some of this amount will be paid to those who suffered war damage.

Mr. LONG of Louisiana. But there is no condition in the bill to assure that result.

Mr. AIKEN. I suggest to the Senator from Louisiana that some time late in the fall Congress will probably be appropriating money for assistance to other countries. By that time, we should be able to ascertain the extent to which the amount of $73 million has been paid. It may be that most of it will have been paid. My suggestion is that when we ascertain that amount, or get the best possible estimate of it, our committee and the Committee on Appropriations should see to it that any unwarranted payments to the Philippines will be deducted from the amount of aid which that country would normally receive through the aid bill. I do not know any way out of the situation. I do not see what we accomplish by complaining that we were "taken."

Mr. LONG of Louisiana. We were deceived and misled. Unless the Senate adopts my amendment, the United States will be "skinned" out of $73 million.

Mr. AIKEN. There is no question that we have been "taken."

Mr. LONG of Louisiana. We ought to thank the merciful Lord that although we were fooled, the money has still not been disbursed. My proposal is that the payment of the money be stopped before it can be paid. It is still not too late to close the stable door before the horse can get out.

As the Senator from Vermont knows, if the amendment supported by the distinguished Senator from Arkansas [Mr. FULBRIGHT] and the majority of the committee should prevail, it would direct payment to the Philippine Government with no strings attached—73 million "bucks" to be taken by them. There is no condition that the Philippine Government should pay any claim; the money could be used for whatever purpose it was thought would help the economy of the Philippines. It would be the same as payments made by the Federal Government to State treasuries by Uncle Sam. The States could use the money for whatever purpose they desired.

The money we have paid the Philippines has been carefully calculated as a part of our foreign aid program, taking into consideration the amount of money we believe should be made available. We have tried to determine how much we can aid the Philippines. That is what we will do when we pass the foreign aid bill.

But this measure proposes that we correct an error that we made. What was the error? We were misled, we were defrauded, we were hoodwinked into passing a bill that never should have been passed.

My argument is that the simple way to correct that mess is to repeal the fool thing and be done with it. Otherwise we will pay $73 million that we do not owe to the Philippines for no good reason.

The President of the Philippines had scheduled a trip to the United States for no other purpose than to cancel it. Yet we now propose to reward the Philippines with $73 million. Why should we? Why not repeal the act and tell the Philippine Government that we do not appreciate what was done?

At one time the Philippines were a part of the United States. The Filipinos were treated like citizens of the United States. They ought to understand what corruption means. They ought to prevent the doing of something that is corrupt in their own country.

Mr. President, in due course I shall ask for the yeas and nays on the amendment I offered for the Senator from Illinois [Mr. DOUGLAS] and myself. However, I believe other Senators wish to discuss the amendment, so I yield the floor.

Mr. DOUGLAS. Mr. President, I rise to support the amendment offered by the Senator from Louisiana, of which I have the honor to be a cosponsor. The Senator from Louisiana has made a very cogent and a very truthful argument.

If we examine the legislative history of the 1946 act, it will be found that it was expressly stated, over and over again, that its purpose was to aid in the rehabilitation of the Philippines, and not specifically to satisfy claims for war damages. That was later emphasized in a very clear fashion in the views of a minority of the House Foreign Affairs Committee, headed by Representatives HAYS of Ohio, CURTIS, and BARRY in 1962.

It was also clearly spelled out in the 1946 House committee report. The 1962 House committee minority report quoted from the report of the committee in 1946 which accompanied the bill in the House which became the Philippine Rehabilitation Act of 1946. That report stated:

> The bill is not a private claims measure to reimburse individuals or organizations for damage incurred in war. The primary function of the payments is to assist and encourage rehabilitation and rebuilding of the economy and social structure of the nation. Some individual hardships may be caused by insistence on the rehabilitation principle, but your committee felt that no other considerations should be provided in this legislation. * * *
>
> The claims here involved are not war damage claims in the sense in which those words are usually used—as for example where property has been seized for use in war and should be paid for. What is here involved is aid for rehabilitation of a wartorn country.

The sum of $400 million was appropriated in 1946. Claims up to $500, which were approved, were paid. And as the 1962 Senate report correctly states, the law provided authority for payment on claims above $500 of—and I emphasize this—up to a maximum of 75 percent. But no promise was made that the maximum be paid.

Actually, after the $500 was paid to each authorized claimant, there was left, out of the $400 million, enough to pay 52½ percent of the amounts of the claims above $500.

The bill which Congress approved last year was designed to raise the percentage of payment from 52½ percent to the maximum of 75 percent. I emphasize the word "maximum" over and over again, because there was never any explicit or implicit promise that we would pay 75 percent. That was merely the ceiling; it was not the floor.

The Philippine War Damage Commission completed its work and filed its final report on March 31, 1951. What happened then? Just about nothing. The Filipinos were grateful. There were no complaints, except that in the final report the Commission noted simply that some had expressed disappointment because the entire amount of the claims had not been paid.

The Commission had recommended that the 81st Congress approve legislation to permit payments up to the statutory maximum, but Congress did not do so. Therefore, the Commission report notes, other missions, notably the Bell mission, went to the Philippines and offered suggestions for other types of aid.

While I am about this matter, let me read from an editorial published in the Philippine Sentinel, which is an organ of the national Catholic Church of that country. I read from page 85 of the final report of the Philippine War Damage Commission:

> The rehabilitated public and private buildings, roads, bridges, and public works * * *

Incidentally, those were paid for in addition to the $400 million; I think $120 million was paid for them—

> stand as an eloquent testimony to the all too widely known trait of American generosity. But these monuments to American philanthropy are unique in the sense that this is the first case in recorded history where a sovereign nation has shouldered the losses suffered by its subject. True enough the 800 million pesos—

The equivalent of $400 million—

> cannot be looked at as an outright gift but as a commensurate return for the steadfast loyalty of the Filipino nation throughout the duration of the war. The fact still remains that the United States was in no way obligated to make up for misfortunes occasioned by the indiscriminate workings of a fortuitous event. Without taking credit away from the Filipino people a true balancing of the War Damage Commission's work must show that it was in the main sustained by driving motivation of American generosity.

The editorial goes on to compliment Commissioners Waring, O'Donnell, and Delgado. Then:

> It is true that there have been dissatisfactions in the manner the percentages of different claimants had been awarded. These can only be attributed to the unavoidable misdirections in such a prodigious traffic of money and to considerations of priorities based on the potential value of the beneficiary to the needs of the country.

The editorial concludes:

> And the Filipino people should be properly appreciative of the benefits they have received from the U.S. people.

Mr. President, these claims seem to have largely slept for 10 years. It is true that bills were introduced in 1951, 1953, 1955, 1957, and 1959; but there was no testimony in behalf of them, and they were dormant. But then as the Senator from Louisiana has implied, apparently some of the big claimants felt that here was a chance to get additional money, and possibly they may have been solicited by Messrs. O'Donnell, and Delgado, and by Mr. Schein—who had been the chief examiner; and in 1960, hearings were held on two of the bills by the Far East Subcommittee of the Foreign Affairs Committee.

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

The PRESIDING OFFICER (Mr. MCCARTHY in the chair). Does the Senator from Illinois yield to the Senator from Louisiana?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. I believe the record will show that some of the claimants have agreed to retain Mr. Delgado and Mr. O'Donnell on a contingent-fee basis; and if they could get an act through Congress, they would be compensated in very large fashion, although of course if they could not get such an act through Congress, they would not be paid as much.

Mr. DOUGLAS. Yes.

I now wish to compliment the Senator from Arkansas [Mr. FULBRIGHT] for placing in the RECORD—although perhaps belatedly—the testimony of Mr. Waring which appears at page 14 of those hearings. I hold in my hand the 1960 testimony of Mr. Waring; and I wish to compliment him for making a completely honest and honorable statement.

Representative Judd of Minnesota, asked:

> Did the U.S. personnel on your War Damage Commission have the understanding that it was not only the purpose and intent of the Congress to take care in full of all claims up to $500, as made clear in the act, but also to pay up to 75 percent of the approved amount of larger claims?
>
> Mr. WARING. I think the wording of the act itself leaves some doubt as to that. The act did say "up to a maximum of 75 percent." But it did say "maximum," and it did provide for the pro rata distribution of the funds authorized.
>
> I think the feeling, certainly my feeling, and I believe that of the other members of the Commission and the staff, was that our Philippine friends hoped—

and I emphasize his word "hoped"—

> for payment up to 75 percent, and perhaps even anticipated it.

And now listen:

> I think it fair to say that in our public utterances there was no action on our part that would have enforced such hopes.
>
> Mr. JUDD. There were no commitments?
>
> Mr. WARING. None to my knowledge.

Mr. LONG of Louisiana. Mr. President, will the Senator from Illinois yield again to me?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. The Senator so well knows that on these claims bills it is unusual for someone to be paid 100 cents on the dollar by the Government. More often than not, these claims are settled for only a certain percentage of the amounts claimed.

For example, on the Czech claim resulting from seizure of a steel mill which had been built by the Benes government, $10 million was gotten for it; but when the fund was distributed to the claimants, they received only about 10 cents on the dollar.

Last year there was a bill for claims of Germany and Japan; and, as the Senator knows, the average claimant will get perhaps 10 cents on the dollar, or less, even though some will be paid up to $1,000, or something of that sort.

Mr. DOUGLAS. The Senator is correct; it certainly is unusual for claimants to get the maximum authorized. And the fact is the maximum was not expected in these cases and there was no commitment the maximum would be paid.

In 1961, further hearings were held by the House committee; and as part of the record of those hearings, the testimony in 1960 of Messrs. O'Donnell, Schein, Calhoun, Gideon, and Anderson were reprinted, but the testimony of Mr. Waring was not reprinted.

Mr. LONG of Louisiana. Can the Senator from Illinois explain why that happened?

Mr. DOUGLAS. No; I do not know why. I simply say it was not reprinted.

In 1962, the House turned down the proposal to pay $73 million. The House turned it down after very stirring speeches by Representative HAYS, of Ohio, and others.

Then the bill went back to the committee; and the committee reported the bill again. And, as the Senator from Louisiana has said, then the President of the Philippines announced that he would not come unless it was paid.

Now I have to say something that I regret to say, but it is true: Our State Department backed down, and then urged that the payment be made; and the great newspapers of the Atlantic seaboard and elsewhere insisted that the payment be made—newspapers which we properly honor. They published editorials denouncing the House for trying to save $73 million. I hope the Senator from Arkansas [Mr. FULBRIGHT] will not take it amiss if I say that the Senate Foreign Relations Committee yielded to that clamor. Apparently the committee did not go behind the testimony of 1962 or 1961, and did not go back to the 1960 testimony of Mr. Waring, but accepted the assertion that there was a commitment in good faith.

I had been more than skeptical about the bill and had intended to vote against it. But when our Government, the great journals of information and, most of all, our own Committee of Foreign Relations, all argued that we pay the $73 million, I lost confidence in my own judgment. Had the Foreign Relations Committee publicized the Waring testimony of 1960 I would not have done so, I feel let down. We were failed by groups on whom we have the right to rely.

Mr. FULBRIGHT. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. FULBRIGHT. It required about 3 months and the subpena power to find out what we now know.

Mr. DOUGLAS. I understand.

Mr. FULBRIGHT. It was not easy.

Mr. DOUGLAS. I understand, and I am not criticizing the committee. It was under pressure. The State Department was pressuring it. The great newspapers and columnists were thundering at the committee, and were thundering at the Members of Congress for not passing the bill. Although the testimony of Mr. Waring was included in the 1960 report of the hearings of the House committee, it was not included in the 1961 reprint. Whether the staff should have gone back to 1960 is something else again; but we shall not put them on trial for not having done so. It was a slip. Perhaps they will do better next time.

Mr. FULBRIGHT. Mr. President, will the Senator from Illinois yield again?

Mr, DOUGLAS. I yield.

Mr. FULBRIGHT. I think it is true that in 1959, as part of an overall agreement, the previous administration agreed to pay this amount—in which other elements were involved. There was a reverse amount, I think, of $20 million that the Philippines owed us.

Mr. DOUGLAS. The administration tried to offset $24 million as a claim against the $73 million.

Mr. FULBRIGHT. But I point out that that agreement was a government-to-government agreement. That is why I say the recommendation of this committee to pay it to the Government is in accord with the Eisenhower administration's agreement.

Mr. DOUGLAS. But they did ask for $24 million as a counterclaim?

Mr. FULBRIGHT. Yes; but I do not want to have all of it blamed on the State Department. It is a commitment, so to speak, to which several things contributed; and one was the agreement made in 1958 or 1959, I believe, by the previous administration.

Mr. DOUGLAS. I would like to point out that in addition to the $400 million our Government has paid to the people of the Philippines enormous sums of money in foreign economic and military aid, according to a table which I hold in my hand, which is entitled "U.S. Foreign Assistance Obligations, Loans, and Loan Authority up to June 30, 1962," published by AID. It shows a total of $1,737 million from 1946 to 1962, in economic and military aid from the United States to the Philippines.

In addition, I have checked with the Department of Agriculture and its officials report that the surplus payments which American sugar consumers paid to the producers of Philippine sugar under the quota premium system over and above the world price level from 1948 to 1962 amounted to $433,900,000. Therefore, the people of the United States furnished to the Philippines a total of $2,170,900,000, in approximately 16 years, in economic and military assistance. That is certainly great generosity.

And now some interests in the Philippines appear to want $73 million more.

Mr. President, I appreciate the efforts of the Senator from Arkansas [Mr. FULBRIGHT] to prevent Mr. O'Donnell, Mr. Schein, and possibly Mr. Delgado from collecting their 5- or 10-percent fees. But, in my judgment, the committee's provision will be inoperative, because even though the Philippine Government receives the funds, these gentlemen will be able to collect from the private claims which individuals file against the Philippine Government; and the U.S. law will not be operative inside the Republic of the Philippines.

I am afraid the Fulbright amendment is a delusion and a snare. I do not want to be led down the garden lane.

So that while I appreciate the effort of the Senator from Arkansas and wish to commend him for it, the provision is inoperative. The only way to strike at the abuse of lawyers' fees as well as at the abuse of the $73 million itself is to adopt the substitute amendment, which I have the honor of sponsoring with the Senator from Louisiana. That will really deal with the question.

Now, Mr. President, I think we should also examine who the claimants are who would benefit under the law we seek to repeal. In the main, they are the large claimants. I read from page 3 of the 1962 Senate report, which shows that corporations with claims of over $100,000 number only 83, but the total amount of their claims is $21,766,000. There are no individuals in that group.

There are 55 corporations with claims between $50,000 and $100,000. The total of those claims is $3,874,000. I am reading to the nearest thousand dollars. There are 16 private individuals in that group with claims of $1,032,000.

There are 85 corporations with claims from $25,000 to $50,000, the total of which amounts to $3,012,000, and 48 individuals in that group with claims of $1,692,000.

There is a total of only 233 corporations with claims of $28,650,000.

There are 64 individuals with total claims of $2,724,000, making a total of $31,375,000.

All other claimants—presumably individuals—were less than $25,000 bringing the total to $36,455,000. So in the main it will be the large corporations that will get the money.

In the 1962 report of the House of Representatives, on pages 16 and 17, appears an itemization of some of those corporations. The figures are given in pesos, but, of course, a dollar figure would be just one-half of the peso figure. I shall read the figures to the nearest 1,000.

San Miguel Brewery, Inc., 799,000.
Manila Hotel Co., 500,753.
Philippine Packing Corp., 755,000.
Talisay-Siay Milling Co., Inc., 666,000.

I hasten to say again that the figures I am giving are pesos. To translate them into dollars, the figures should be divided by 2.

Masbate Consolidated Co., 928,000 pesos.

Philippine Refining Co., 1,298,000, which would be $649,000.

Philippine Long Distance Telephone Co., 1,765,000 pesos, or $883,000.

The Atlantic Gulf and Pacific Co., of Manila, 866,044.

Benguet Consolidated Mining Co., 2,248,289.

Compania Maritima, 652,365.

Luzon Stevedoring Co., Inc., 782,996.

Elizalde and Co., Inc., 973,888.

Yutivo Sons Hardware Co., 617,425.

Maao Sugar Central Co., Inc., 663,514.

The Hawaiian-Philippine Co., to which reference was made by the Senator from Louisiana, 1,243,128.

Spencer Kellogg & Sons, 600,439, or $300,000.

Marsman Trading Corp., 343,529.

Manila Electric Co., 1,835,523.

Pampanga Sugar Mills, 660,151.

Itogan Mining Co., 1,041,392.

United Paracale Mining Co., 516,925.

So approximately 83 companies have presented claims, which will be paid if the Long-Douglas amendment is not passed, totaling 43,531,000 pesos, or $21,765,000.

Mr. President, that is a rank steal. The bill should never have been passed. It was put over by pressure. A careful examination of the legislative history shows that the United States has no legal or moral commitment to pay the additional $73 million to claimants under the Philippine Rehabilitation Act of 1946. We have never made such commitments.

Mr. Waring, an honorable man, in his testimony told the truth. The Commission never made any commitments; nor did the Congress. We have already assisted with the Philippines with U.S. funds, taxpayers' funds, to the extent of over $2 billion.

I wish to pause at this point to remark that there is altogether too great a tendency on the part of our Government to approve unjust claims and unjust payments to foreign governments and foreign nationals in the name of international amity. In the case of sugar, in the last 15 years these overpayments have amounted to billions of dollars. Two years ago, when some of us attempted to cut off those payments, we saw the sugar lobby send its people from Central and South America. They proceeded to carry on the most elaborate lobbying campaign anyone could imagine and with the aid of the State Department defeated my amendment which would have saved our Government over $250 million.

We now have something of the same difficulties that we experienced last year in trying even to reduce the amount although we then had the help of the State Department. Some of us believe that the coffee agreement, which was approved by the Senate only a few days ago, will ultimately cost the American consumer hundreds of millions of dollars, because each cent increase on a pound of coffee results in an increase of $1.33 a bag. We import approximately 21 million bags of coffee a year. Each 1-cent increase in the price of coffee results in a return to someone other than the consumer of $30 million.

As our representative said at Punta del Este, the purpose of the agreement was to raise the price of coffee. That is what will happen. The increase will not be merely 1 cent a pound; it will be more than that. The agreement which was approved the other day, and which I opposed, will cost American consumers hundreds of millions of dollars.

Now it is proposed to give $73 million to the Philippines, chiefly to the large corporations, American and Philippine, and enrich the pockets of those groups and of the attorneys. In the offing is cocoa. We are shoring up South America by the Coffee Act. Soon a treaty will be proposed to shore up Africa with a Cocoa Act. Very appealing arguments can be made.

After that will come jute. It will be pointed out that labor conditions in India and Pakistan are deplorable—and they are—and that therefore we should support the world price of jute.

So we will support the ruling and wealthy groups of South America with coffee, of Africa with cocoa, and of Asia with jute. Atlas, himself, would faint under such a load as that.

I do not attack the motives of the people who are urging these expenditures. They wish to have us play our part in diminishing poverty all over the world. They would like to encourage the backward nations. Their motives are good. But it is very easy to be reckless with American dollars.

I have supported foreign aid throughout my 15 years in the Senate. I have taken much punishment from Chicago newspapers for doing so. I still believe it is in the main a good program. I intend to continue to support it—with some changes and some moderation—but I submit that we cannot let ourselves continue to be taken for a ride time after time after time. We do not win the respect of other countries by doing that. We cannot buy their respect. They believe they can take us for a ride. There are always people inside our country ready to promote claims, at a 5- or 10-percent fee for themselves, and to use political influence to do it.

Mr. President, I reproach no one. I am sure all have acted with the best of motives. I merely say there is only one way to cope with this problem, and that is to stop the payments. Fortunately, no payments have as yet been made. We were told that the Senator from Arkansas was able to prevent disbursements from being made. The Senator deserves credit for that. Fortunately, therefore, no payments have been made.

I do not think we should take the attitude, "well, it is done; there is nothing we can do about it; let us make the payment."

Mr. President, I yield the floor.

Mr. FULBRIGHT. Mr. President, I wish to say to the Senator from Illinois that one argument is, I feel fairly sure the House is not likely to accept it, if the Senate should attach the amendment to the bill. Then we might end up with no bill at all.

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

Mr. FULBRIGHT. I yield.

Mr. DOUGLAS. I think the conscience of the House is very uneasy in this matter. I remind the Senator from Arkansas that the House once defeated a proposal to pay anything. It was turned down. The conscience of the House is very uneasy.

Mr. FULBRIGHT. I agree that I cannot speak for the House. I was thinking of the likelihood and probabilities.

Mr. DOUGLAS. Each House must act for itself.

Mr. FULBRIGHT. That is one argument.

I agree that there is no commitment to the claimants, but I remind the Senate again that on August 4, 1959, the Department of State issued a press release, which I ask unanimous consent to have printed in the RECORD, which is entitled "U.S. Replies to Philippine 'Omnibus' Claims," section 1 of which says in part:

> The U.S. Government will, at the next regular session of the Congress and in connection with the legislative program for fiscal year 1961, request appropriate legislation enabling the settlement of the Philippine claim for payment of additional war damage compensation.

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

DEPARTMENT OF STATE,
August 4, 1959.

U.S. REPLIES TO PHILIPPINE "OMNIBUS" CLAIMS

The United States today replied to the Philippine Government's "omnibus" claims. The reply was contained in a note handed to Philippine Ambassador Carlos P. Romulo by the Acting Secretary of State. The note also replied to Philippine claims presented separately regarding U.S. coconut oil and sugar processing taxes.

The Acting Secretary presented to Ambassador Romulo a check for $23,862,751 representing final satisfaction of the Philippine claim arising from the revaluation of the dollar in 1934.

The claims of the Philippine Government to which the note replies were submitted to the U.S. Government during the period January–April 1955. Since then they have been the subject of the most exhaustive and sympathetic study by the agencies concerned, as a result of which the United States has informed the Republic of the Philippines that:

1. The U.S. Government will, at the next regular session of the Congress and in connection with the legislative program for fiscal year 1961, request appropriate legislation enabling the settlement of the Philippine claim for payment of additional war damage compensation in accordance with the Philippine Rehabilitation Act of 1946 (Public Law 370, 79th Cong.). The amount of $73 million, according to the records of the War Damage Commission, reflects the statutory maximum of such unpaid private claims authorized by the Philippine Rehabilitation Act of 1946.

2. The United States is prepared to discuss in detail with the Philippine Government possible adjustments of the amount owed by the Philippines under the Romulo-Snyder Agreement of November 6, 1950.

3. In view of the fragmentary and general nature of evidence submitted in support of the Philippine claim for reimbursement of expenses incurred in connection with the Recovered Personnel Division, the United States is willing to consider any further

evidence in support of the claim that the Philippine Government might wish to make available.

4. With respect to the remaining 13 claims formally presented by the Philippine Economic Mission of 1955 and the 2 presented separately requesting refunds of the payments of U.S. coconut oil and sugar processing taxes, the United States considers these claims are invalid. The U.S. Government has examined exhaustively all of the arguments and evidence submitted in support of each of these claims. When it concluded that it was under no legal obligation, the U.S. Government further considered the claims in an effort to determine whether there might exist any basis for their approval as a matter of equity. The most careful and sympathetic study led the United States to the conclusion that none of the rejected claims warranted approval on this basis. They have thus been finally rejected.

The United States has noted that most of the claims submitted deal with payments to the Philippine veterans who served in the U.S. Armed Forces or as guerrillas during World War II. From the end of that war through 1958 payments to Philippine veterans and dependents as well as survivors by the U.S. Veterans' Administration totaled about $700 million. These payments are continuing. They are made to approximately 130,000 individuals in the Philippines each month, and currently amount to some $60 million annually. In addition, payments made by the United States for arrears in pay, redemption of guerrilla currency, and other matters, have totaled approximately $250 million.

A list of the claims is attached.

LIST OF OMNIBUS CLAIMS

1. Import duties and other customs charges.
2. Claim under Executive Order No. 22.
3. Deductions from arrears in pay of the equivalent of 3 months' advance pay.
4. Payment of arrears in pay to members of the Army of the Philippines who were suspended from duty because of criminal charges preferred against them.
5. Expenses of the Recovered Personnel Division.
6. Deductions for clothing issued upon return to military control.
7. Deductions from arrears in pay on account of guerrilla or emergency notes received during the Japanese occupation.
8. Arrears in pay canceled by the Adjutant General records depository after previous approval by the Recovered Personnel Division.
9. Deductions from arrears in pay of personnel who failed to report to military control on or before August 15, 1945.
10. Arrears in pay under the Missing Persons Act of 1942.
11. Currencies confiscated by Japanese authorities during World War II.
12. Unpaid quarters allowances.
13. Additional war damages.
14. Erroneous deductions of national service life insurance premiums from arrears in pay.
15. Dollar devaluation (gold revaluation claim, 1934).
16. Adjustment of accounts under the Romulo-Snyder loan agreement.
17. The case of the Philippine Army veteran (service determination and other matters).
18. Request for refund of processing tax on Philippine sugar.
19. Request for refund of the 3-cent processing tax on coconut oil.

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

Mr. FULBRIGHT. If I may finish, then I will yield to the Senator.

In pursuance of that, that administration offered a bill providing for payment to the Philippine Government. I introduced the bill at the request of the administration.

That is the commitment which I feel has some validity, because it was a part of an omnibus claims settlement.

Last, the amendment of the committee on this bill would not require the Philippine Government to pay the claimants of large sums, to whom the Senator referred, and I hope very much it would not pay them. If some of the smaller claims are still worthy, payment would be all right.

That is all I have to say.

Mr. DOUGLAS. Mr. President, this is the first time I have heard that a press release issued by the U.S. Government, unratified by Congress, can be presumed to have the effect of a treaty. We are supposed to have a representative government in which the legislature makes the decisions on appropriations. If we have reached the point where any press release issued by the Department of State constitutes a binding obligation upon the people of the United States, we might as well abandon representative government. This is about the lowest point to which legislative responsibility can fall.

Mr. HUMPHREY. Mr. President, will the Senator yield, so that the yeas and nays may be ordered on the amendment?

Mr. DOUGLAS. Yes, but I do not know that I have finished speaking.

Mr. HUMPHREY. That is all right.

Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. DOUGLAS. I thank the Senator from Minnesota.

Mr. President, apparently the argument of the Senator from Arkansas is, "We have done it; there is nothing we can do about it."

I submit that we can do something about it. Not a dollar has been paid. No commitments have been made. When we do something improper, something lavish, something wrong, we have a right to correct ourselves. Fortunately, we can do that in our private lives. We certainly can do it in our public lives.

To regard $73 million as not important is wrong, in all charity. It is the tvoe of thinking which has crept into our relationships with foreign countries. We are torn between those who would do nothing for foreign countries and who would adopt a selfish, insular attitude, and those who have such an inferiority complex in dealing with foreign countries that they would give them everything.

There must be some middle way. If there is not a middle way, we are going to lose the good in foreign aid. We will lose it, and there will be a public revolt which will sweep all the good measures into the discard.

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

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. Does the Senator not think that it would set a bad precedent for this Nation to pay out $73 million because somebody had the misguided impression he might get something out of Uncle Sam?

Mr. DOUGLAS. I think it is a terrible proposal.

Mr. LONG of Louisiana. I must agree.

Mr. DOUGLAS. I think it is terrible.

I read all the great eastern newspapers and most of the other leading journals of the country. They raise the level of journalism. They are accurate. They are humane in spirit. But they contributed to this problem by the drumfire which they set up, of constant attacks on the House for turning down the appropriation in the first place, and urging the Senate to take a different point of view. Their research was faulty, too. They did not go back to the Waring testimony. I hope Mr. Waring will be properly rewarded by the Foreign Service, of which he is a member, for the honesty with which he testified. But I fear there will be groups which will try to discipline him.

I do not know that there is much good to be accomplished by talking longer. I suppose "the establishment" in the Senate is determined to accept the Fulbright amendment and continue the error, but I must protest. I urge the Senate to adopt the substitute amendment and repeal the 1962 act.

The PRESIDING OFFICER. The question is on agreeing to Long of Louisiana-Douglas amendment, numbered 95 to the committee amendment on page 5. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. BYRD], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from California [Mr. ENGLE], the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Wyoming [Mr. MCGEE], the Senator from Michigan [Mr. MCNAMARA], the Senator from Montana [Mr. METCALF], the Senator from Oregon [Mr. MORSE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], the Senator from Georgia [Mr. TALMADGE], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senators from Kansas [Mr. CARLSON and Mr. PEARSON], the Senator from Hawaii [Mr. FONG], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS] and the Senator from New Mexico [Mr. MECHEM] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] is detained on official business.

If present and voting, the Senator from Maryland [Mr. BEALL], the Senator from Kentucky [Mr. COOPER], the Senator from Hawaii [Mr. FONG] and the Senator from Arizona [Mr. GOLDWATER] would each vote "nay."

The result was announced—yeas 22, nays 45, as follows:

[No. 95 Leg.]

YEAS—22

Anderson	Ervin	Nelson
Cannon	Gruening	Proxmire
Clark	Hart	Ribicoff
Cotton	Jordan, N.C.	Simpson
Curtis	Long, La.	Thurmond
Douglas	McGovern	Young, Ohio
Edmondson	McIntyre	
Ellender	Moss	

NAYS—45

Aiken	Holland	Mundt
Allott	Hruska	Muskie
Bennett	Humphrey	Pastore
Bible	Inouye	Pell
Boggs	Jackson	Prouty
Brewster	Johnston	Randolph
Case	Jordan, Idaho	Saltonstall
Dirksen	Keating	Scott
Dodd	Kefauver	Smith
Dominick	Kuchel	Sparkman
Eastland	Mansfield	Stennis
Fulbright	McCarthy	Tower
Hartke	Miller	Williams, N.J.
Hickenlooper	Monroney	Williams, Del.
Hill	Morton	Young, N. Dak.

NOT VOTING—33

Bartlett	Goldwater	Mechem
Bayh	Gore	Metcalf
Beall	Hayden	Morse
Burdick	Javits	Neuberger
Byrd, Va.	Kennedy	Pearson
Byrd, W. Va.	Lausche	Robertson
Carlson	Long, Mo.	Russell
Church	Magnuson	Smathers
Cooper	McClellan	Symington
Engle	McGee	Talmadge
Fong	McNamara	Yarborough

So the Long-Douglas amendment to the committee amendment was rejected.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment to the committee amendment was rejected.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG of Louisiana. Mr. President, I call up the amendment numbered 96 which I introduced for myself and the Senator from Illinois [Mr. DOUGLAS].

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 5, in the committee amendment, in lieu of the matter beginning on line 3 and ending on line 10, page 6, it is proposed to insert the following:

SEC. 3. (a) Notwithstanding the provisions of the Act entitled "An Act to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73,000,000 for that purpose", approved August 30, 1962 (Public Law 87-616), or any other provision of law, no payment shall be made to any claimant under such Act unless otherwise hereafter provided by the Congress.

(b) The Foreign Claims Settlement Commission shall transmit to the Congress at the earliest practicable date a report concerning each application approved by it under such Act, which shall include a statement of the pertinent facts upon which the claim of the applicant is based, the amount heretofore paid to the applicant under the provisions of title I of the Philippine Rehabilitation Act or any other provision of law by reason of such claim, and the amounts paid or agreed to be paid by the claimant to any person for services as attorney or agent in connection with such claim.

Mr. HUMPHREY. Mr. President, I have discussed the amendment with the Senator from Louisiana [Mr. LONG]. He is very considerate of the situation which prevails tonight, in that many of our colleagues in the Senate are scheduled to attend a dinner which is of some importance to them. I wonder if the Senator from Louisiana would be willing to accept a limitation on time with respect to this amendment.

Mr. LONG of Louisiana. I would suggest 15 minutes to a side.

Mr. HUMPHREY. I ask unanimous consent that the time on the amendment be limited to 15 minutes to each side.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG of Louisiana. Mr. President, we shall be asked next week to raise the national debt limit to $309 billion. One reason we shall be asked to do so is that Congress has insisted time and again on voting money for things for which there is really no need to spend money at all. The Senator from Illinois [Mr. DOUGLAS] and I have just completed spelling out the fact, in connection with the amendment which the Senate has rejected, that with regard to the $73 million.

There is no need whatever and no obligation to pay this money on any of these claims. The whole thing was put over by improper representations that were made to Congress.

If we cannot save the whole $73 million, we should save some part of it. This is how I suggest doing that:

We should leave the act as it is, and let the Foreign Claims Settlement Commission report to us what the claims are, what the nature of the claims is, how much the claimants paid for representation; in other words, to bring all the facts to us, so that we can take a look at them, and in that way act on them as we should. We should act on them in the same way in which we act on private relief claims of our own claimants in this country.

The amendment would require that the claims be carefully examined. Not one cent would be paid out until Congress had acted subsequently.

Insofar as some people have been led to believe that they will get something, they can still entertain that hope, but Congress will have an opportunity to say how many of the claims shall be paid.

If Senators do not want to save the whole $73 million, they should vote to save a part of it, by saying that we will honor a claim if it is an honest claim. That is all that the amendment seeks to do.

I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, I yield back the remainder of my time.

Mr. LONG of Louisiana. I yield back the remainder of my time.

The PRESIDING OFFICER. All time for debate has been yielded back.

The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. LONG] and the Senator from Illinois [Mr. DOUGLAS] to the committee amendment on page 5. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. BYRD], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from California [Mr. ENGLE], the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Wyoming [Mr. MCGEE], the Senator from Michigan [Mr. MCNAMARA], the Senator from Montana [Mr. METCALF], the Senator from Oregon [Mr. MORSE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Missouri [Mr. SYMINGTON], the Senator from Georgia [Mr. TALMADGE], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senators from Kansas [Mr. CARLSON and Mr. PEARSON], the Senator from Hawaii [Mr. FONG], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], and the Senator from New Mexico [Mr. MECHEM] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] and the Senator from Massachusetts [Mr. SALTONSTALL] are detained on official business.

If present and voting, the Senator from Kentucky [Mr. COOPER], the Senator from Hawaii [Mr. FONG], and the Senator from Massachusetts [Mr. SALTONSTALL] would each vote "nay."

On this vote, the Senator from Arizona [Mr. GOLDWATER] is paired with the Senator from Maryland [Mr. BEALL]. If present and voting, the Senator from Arizona would vote "yea," and the Senator from Maryland would vote "nay."

The result was announced—yeas 25, nays 41, as follows:

[No. 96 Leg.]

YEAS—25

Anderson	Ervin	Simpson
Boggs	Gruening	Stennis
Cannon	Hart	Thurmond
Clark	Jordan, N.C.	Tower
Cotton	Long, La.	Williams, Del.
Curtis	McGovern	Young, N. Dak.
Dodd	McIntyre	Young, Ohio
Douglas	Moss	
Ellender	Ribicoff	

NAYS—41

Aiken	Brewster	Eastland
Allott	Case	Edmondson
Bennett	Dirksen	Fulbright
Bible	Dominick	Hartke

Hickenlooper	Kefauver	Pastore
Hill	Kuchel	Pell
Holland	Mansfield	Prouty
Hruska	McCarthy	Proxmire
Humphrey	Miller	Randolph
Inouye	Monroney	Scott
Jackson	Morton	Smith
Johnston	Mundt	Sparkman
Jordan, Idaho	Muskie	Williams, N.J.
Keating	Nelson	

NOT VOTING—34

Bartlett	Gore	Morse
Bayh	Hayden	Neuberger
Beall	Javits	Pearson
Burdick	Kennedy	Robertson
Byrd, Va.	Lausche	Russell
Byrd, W. Va.	Long, Mo.	Saltonstall
Carlson	Magnuson	Smathers
Church	McClellan	Symington
Cooper	McGee	Talmadge
Engle	McNamara	Yarborough
Fong	Mechem	
Goldwater	Metcalf	

So the amendment offered by Mr. LONG of Louisiana to the committee amendment was rejected.

Mr. ELLENDER. Mr. President, I move that the Senate reconsider the vote by which the amendment to the amendment was rejected.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. COTTON. Mr. President, before the vote on the passage of the bill, I wish to ask a question either of the chairman of the Committee on Foreign Relations or of some other member of the committee.

Will he indicate what percentage of the overall funds embraced in the bill represents so-called counterpart or foreign currency funds, and what proportion consists of dollars of American taxpayers, collected in this country?

Mr. FULBRIGHT. I stated those figures in my initial statement. Approximately 70 percent, or $35 million, of the total of $49,824,000, are paid for with foreign currencies owned by this country. Our experience since the beginning, since this program began, is that 86 percent of funds used for this purpose have been foreign currencies. The only reason for the lesser amount now is that in many countries these currencies no longer exist.

This is a very good average. I see no reason to doubt that the program will be successful.

Mr. COTTON. I thank the Senator from Arkansas.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 5207) was passed.

Mr. FULBRIGHT. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE REPORT

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare may have until midnight tomorrow night to file its report on S. 1576.

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

EXECUTIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of executive business.

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

Mr. HUMPHREY. Mr. President, I ask that the Senate proceed to the consideration of certain nominations reported today, which are at the Secretary's desk.

IN THE JUDICIARY

The PRESIDING OFFICER. The clerk will state the nominations in the judiciary.

The legislative clerk read the nomination of William A. Meadows, Jr., of Florida, to be U.S. attorney for the southern district of Florida for the term of 4 years, vice Edward F. Boardman, transferred.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

PATENT OFFICE

The legislative clerk read the nomination of Herbert J. Lidoff, of the District of Columbia, to be an examiner in chief, U.S. Patent Office.

The PRESIDING OFFICER Without objection, the nomination is confirmed.

IN THE NAVY

The PRESIDING OFFICER. The clerk will state the nominations in the Navy.

The legislative clerk read sundry nominations in the Navy.

Mr. HUMPHREY. I ask that the nominations in the Navy be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Navy are confirmed en bloc.

Mr HUMPHREY. Mr. President, I ask that the President be notified forthwith of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith of the confirmation of the nominations.

LEGISLATIVE SESSION

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

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

ASSISTANCE IN COMBATING MENTAL RETARDATION

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 161, S. 1576.

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

The LEGISLATIVE CLERK. A bill (S. 1576) to provide assistance in combating mental retardation through grants for construction of research centers and grants for facilities for the mentally retarded and assistance in improving mental health through grants for construction and initial staffing of community mental health centers, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare.

ADJOURNMENT TO MONDAY

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate at this time, I move that the Senate stand in adjournment until 12 o'clock noon, on Monday.

The motion was agreed to; and (at 7 o'clock and 1 minute p.m.) the Senate adjourned until Monday, May 27, 1963, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 23, 1963:

U.S. PATENT OFFICE

Herbert J. Lidoff, of the District of Columbia, to be an examiner-in-chief, U.S. Patent Office.

U.S. ATTORNEY

William A. Meadows, Jr., of Florida, to be U.S. attorney for the southern district of Florida for the term of 4 years.

U.S. NAVY

The following-named midshipmen (Naval Academy) to be permanent ensigns in the line of the Navy, subject to the qualifications therefor as provided by law:

Thomas H. Aulenbach

Patrick A. Day

The following-named midshipmen (Naval Academy) to be permanent ensigns in the line of the Navy (special duty intelligence), subject to the qualifications therefor as provided by law:

Robert D. Stiger, Jr.

David A. Wells

Roger A. Marien (Naval Reserve Officers' Training Corps candidate) to be a permanent ensign in the Supply Corps of the Navy, subject to the qualifications therefor as provided by law.

U.S. MARINE CORPS

The following named (Naval Reserve Officers' Training Corps) for permanent appointment to the grade of second lieutenant

in the Marine Corps, subject to the qualifications therefor as provided by law:

Michael B. Peterson

IN THE ARMY

The nominations of distinguished military students, midshipmen (Naval Academy), U.S. Military Academy graduates, and U.S. Air Force Academy graduates, beginning Leroy D. Fahle to be second lieutenant, and ending Joe H. R. Wilson to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 6, 1963.

IN THE AIR FORCE

The nominations of Distinguished Officers Training School graduates, cadets, U.S. Air Force Academy, distinguished military students, Air Force Reserve Officers Training Corps, and midshipmen (Naval Academy), beginning Bruce Ackert to be second lieutenant, and ending Roy Lee Welch to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 14, 1963.

IN THE MARINE CORPS

The nominations of Naval Reserve Officers Training Corps, Army Reserve Officers Training Corps, U.S. Military Academy, U.S. Naval Academy, and Air Force Academy graduates beginning David G. Amey to be second lieutenant and ending Joseph G. Tkac, Jr., to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 22, 1963; and

The nomination of James R. Harper to be second lieutenant, which nomination was received by the Senate and appeared in the CONGRESSIONAL RECORD on May 13, 1963.

IN THE NAVY

The nominations of midshipmen (Naval Academy), Air Force Academy graduates, and Naval Reserve Officers Training Corps beginning Donald L. Abbey to be ensign, and ending Dennis W. H. Wong to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 22, 1963; and

The nominations of midshipmen (Naval Academy), and Naval Reserve Officers Training Corps candidates beginning Bruce W. Gunkle to be ensign, and ending Philip M. Young to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 13, 1963.

EXTENSIONS OF REMARKS

The Herbert J. Pascoe Educational Scholarship Foundation

EXTENSION OF REMARKS
OF
HON. PETER W. RODINO, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 23, 1963

Mr. RODINO. Mr. Speaker, one of the most important assists to the youth of America in its achievement of higher education is the foundation. And, one of the most important and outstandingly successful foundations in the State of New Jersey is the Herbert J. Pascoe Educational Scholarship Foundation. Last Sunday, this foundation celebrated its 10th anniversary, and it was my pleasure to extend the following greeting to the members attending the anniversary dinner at the Military Park Hotel in Newark:

The American foundation is a unique institution which opens doors of opportunity and enriches human existence everywhere. Philanthropy in the field of education is perhaps one of the most rewarding of foundation activities. At the time when education has been termed "our most important national resource," when the extension of educational opportunity is essential to our national goals and to our very survival, private efforts on behalf of education are vitally important to our American way of life.

Thus, it is particularly gratifying to pay tribute to the 10 years of development and success of the Herbert J. Pascoe Educational Scholarship Foundation, which has created wider educational opportunity for deserving young people throughout the State of New Jersey. With your scholarship awards in the field of education which encourage and assist qualified students to enter the noble profession of teaching, you strengthen the school system itself. Your endeavors richly honor the memory of Herbert J. Pascoe, a dedicated public servant who also served the cause of better education.

This decade since your founding has seen a new awareness of the value of education and a growing need for assistance to our schools and young people if we are to maintain our position of leadership in the free world. I am sure you are all familiar with statistics describing the spiraling costs of higher education, the serious shortage of facilities, and the inadequacies of our schools. Vigorous and unceasing efforts at all levels are necessary if we are to complete the tasks confronting us in the future. The interest and support offered by this foundation for both higher education and excellency in teaching will continue to grow even more valuable in this crucial decade ahead.

With a very special pride in my membership in the Herbert J. Pascoe Educational Scholarship Foundation, I send my sincere congratulations for 10 years of fruitful and dedicated activity and good wishes for your continued success.

Remarks by Vice President at Luncheon Honoring Astronaut Cooper

EXTENSION OF REMARKS
OF
HON. JAMES G. FULTON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 23, 1963

Mr. FULTON of Pennsylvania. Mr. Speaker, I include the following in the RECORD under permission granted:

REMARKS BY VICE PRESIDENT LYNDON B. JOHNSON, LUNCHEON HONORING ASTRONAUT GORDON COOPER, BEN FRANKLIN ROOM, STATE DEPARTMENT, WASHINGTON, D.C., TUESDAY, MAY 21, 1963

In 1942, President Roosevelt called together our wartime leaders for the final decision on continuing or abandoning the Manhattan project which produced the atomic bomb. One of the most eminent leaders present heard presentation from all sides. Then, he solemnly gave President Roosevelt his verdict: "The bomb will never go off—I speak, of course, Mr. President, as an expert on explosives."

In that first, uncertain spring of the space age 5 years ago, some conscientious experts took the same attitude toward Project Mercury. History has proved them grossly wrong.

Today, same kind of doubts are expressed about further space explorations. History will prove those doubts wrong, also.

Project Mercury has established the capacity of free and open societies to come from behind—and forge ahead. We realize competition is intense. We expect further successes by the totalitarians. We expect continuing successes ourselves.

Americans do not intend that space shall be defaulted. Americans do not intend to live in a world which goes to bed at night by the light of a Communist moon.

Success has been achieved by teamwork—the teamwork of astronauts, scientists, engineers, plus teamwork of our political system. Responsible support of Members of Congress has been indispensable. The support will continue from responsible members of both parties. There will be no American default in space.

Hitler once predicted the Nazis would wring England's neck like a chicken. After the Battle of Britain, Winston Churchill said to Commons, "Some chicken. Some neck." We have heard some say recently that the civilian space program is only "leaf-raking." Considering Major Cooper—considering the vast technological cooperation which made his mission a success—I would say today, "Some leaf. Some rake."

Mr. Larry E. Doyle

EXTENSION OF REMARKS
OF
HON. H. ALLEN SMITH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 23, 1963

Mr. SMITH of California. Mr. Speaker, last evening in Philadelphia my good friend and constituent, L. E. Doyle, was installed as president of Sales and Marketing Executives—International. This is a distinct honor and one in which I share his pride. In inserting these remarks in the RECORD I attempt to show Larry Doyle just how proud I am of his achievement in this regard and offer my sincere congratulations.

Sales and Marketing Executives—International is a nonprofit organization with more than 30,000 business executive members, organized in 230 clubs in 36 countries of the free world. Larry Doyle is vice president of the sales division of Forest Lawn Memorial Parks, Glendale, Calif., and has been associated with Sales and Marketing Executives—International for the past 23 years. He is recognized as one of the top sales executives throughout the cemetery and mortuary industry. He has also been a leader in his own community and for this reason the honor of the presidency of this fine organization is doubly meaningful.